INDEX

TO

Punjab Government Gazette

FOR THE YEAR

1892.

PART IV.

Civil Department.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 11, 1892.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th January, 1892, and is hereby promulgated for general information :—

ACT NO. II OF 1892.

An Act to validate certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872.

WHEREAS provision is made in Part VI of the Indian Christian Marriage Act, 1872, for the solemnization of marriages between persons of whom both are Native Christians, but not of marriages between persons of whom one only is a Native Christian; (XV of 1872.)

And whereas persons licensed under section 9 of the said Act have in divers parts of British India, through ignorance of the law, permitted marriages to be solemnized in their presence under the said Part between persons of whom one is a Native Christian and the other is not a Native Christian;

And whereas it is expedient that such marriages, having been solemnized in good faith, should be validated;

It is hereby enacted as follows :—

Commencement.

1. This Act shall come into force at once.

Definition.

2. In this Act the expression "Native Christian" has the same meaning as in the Indian Christian Marriage Act, 1872. (XV of 1872.)

Validation of irregular marriages.

3. All marriages which have already been solemnized under Part VI of the Indian Christian Marriage Act, 1872, between persons of whom one only was a Native Christian, shall be as good and valid in law as if such marriages had been solemnized between persons of whom both were Native Christians: (XV of 1872.)

Provided that nothing in this section shall apply to any marriage which has been judicially declared to be null and void, or to any case where either of the parties has, since the solemnization of such marriage and prior to the commencement of this Act, contracted a valid marriage.

Validation of records of irregular marriages.

4. Certificates of marriages which are declared by the last foregoing section to be good and valid in law, and register-books, and certified copies of true and duly authenticated extracts therefrom, deposited in compliance with the law for the time being in force, in so far as the register-books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been solemnized between persons of whom both were Native Christians.

Application of Act to marriages under Act V of 1865.

5. References in this Act to the Indian Christian Marriage Act, 1872, shall, so far as may be requisite, be construed as applying also to the corresponding portions of the Indian Marriage Act, 1865. (XV of 1872.) (V of 1865.)

Penalty for solemnizing irregular marriages.

6. If any person licensed under section 9 of the said Act to grant certificates of marriage between Native Christians shall at any time after the commencement of this Act solemnize or affect to solemnize any marriage under Part VI of the said Act or grant any such certificate as therein mentioned, knowing that one of the parties to such marriage or affected marriage was at the date of such solemnization not a Christian, he shall be liable to have his license cancelled, and in addition thereto he shall be deemed to have been guilty of an offence prohibited by section 73 of the said Act, and shall be punishable accordingly.

S. HARVEY *JAMES*,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, AUGUST 4, 1892.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th July, 1892, and is hereby promulgated for general information:

Act No. VI of 1892.

An Act to amend the Indian Limitation Act, 1877, and the Code of Civil Procedure.

XV of 1877. XIV of 1882. WHEREAS it is expedient to amend the Indian Limitation Act, 1877, and the Code of Civil Procedure; It is hereby enacted as follows:

XV of 1877. Addition of new section after section 5, Act XV of 1877.

1. After section 5 of the Indian Limitation Act, 1877, the following section shall be added, namely:

Limitation for certain appeals or applications for review of judgment.

"5A. Whenever it is shown to the satisfaction of the Court that an appeal or an application for a review of judgment was presented after the expiration of the period of limitation prescribed for such appeal or application owing to the appellant or applicant having been misled by any order, or practice, or judgment of the High Court of the Presidency, Province or District, such appeal or application, if otherwise in accordance with law, shall for all purposes be deemed by all Courts to have been presented within the period of limitation prescribed therefor."

XIV of 1882. Addition of new section to Chapter XXII of Code of Civil Procedure.

2. To Chapter XXII of the Code of Civil Procedure the following section shall be added, namely:

Applications for execution of decrees not affected.

"375A. Nothing in this Chapter shall apply to any application or other proceeding in any suit subsequent to the decree.

"*Explanation.*—An application to the Appellate Court pending an appeal is not an application subsequent to the decree appealed from within the meaning of this section."

Addition of new section after section 582 of said Code.

3. After section 582 of the said Code the following section shall be added, namely:

Validation of certain memoranda of appeals or applications for review of judgment.

"582A. If a memorandum of appeal or application for a review of judgment has been presented within the proper period of limitation, but is written upon paper insufficiently stamped and the insufficiency of the stamp was caused by a mistake on the part of the appellant or applicant as to the amount of the requisite stamp, the memorandum of appeal or application shall have the same effect and be as valid as if it had been properly stamped: Provided that such appeal or application shall be rejected unless the appellant or applicant supplies the requisite stamp within a reasonable time after the discovery of the mistake to be fixed by the Court."

Addition to section 647 of said Code.

4. To section 647 of the said Code the following shall be added, namely:

"*Explanation.*—This section does not apply to applications for the execution of decrees, which are proceedings in suits."

Application of Act.

5. The provisions of this Act shall apply to every appeal and review of judgment heard after the passing hereof, notwithstanding that the judgment appealed from or under review may have been passed, or the petition of appeal or application for review presented, before the passing of this Act.

J. M. MACPHERSON,

Offg. Secretary to the Government of India

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, NOVEMBER 3, 1892.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th October, 1892, and is hereby promulgated for general information :

ACT NO. X OF 1892.

An Act to provide for the levy of a rate on private estates under the management of the Government to meet the cost of supervision and management.

WHEREAS it is expedient to provide for the levy of a rate on private estates under the management of the Government to cover the cost of all Government establishments in so far as they are employed in the supervision and management of such estates, other than establishments specially entertained for any particular estate or group of estates, and to meet all contingent expenditure incurred by the Government in connection with such supervision and management; It is hereby enacted as follows :—

Title, extent and commencement.

1. (1) This Act may be called the Government Management of Private Estates Act, 1892.

(2) It extends to the whole of British India, inclusive of Upper Burma and British Baluchistan ; and

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(1) "immoveable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops or grass;

(2) "gross income" includes all receipts of every kind in produce or cash, except money borrowed, recoveries of principal and the proceeds of sale of immoveable property or of moveable property properly classed as capital : and

(3) "private estates under Government management" include—

(a) estates under the Court of Wards ;

(b) encumbered estates under Government management;

(c) estates attached for default of payment of Government revenue;

(d) minors' estates placed under the guardianship of a revenue-officer of the Government by a Civil Court;

(e) estates managed by a Collector in pursuance of any order made under the Code of Civil Procedure: and XIV of 1882.

(f) all other estates made over to or taken under the management of a revenue-officer of the Government as such under any law for the time being in force or in virtue of any agreement.

Power to levy rate.

3. It shall be lawful for the Local Government—

(1) to levy on all private estates under Government management a rate, not exceeding five per cent. on the gross income, calculated, as nearly as may be possible, to cover—

(a) the cost of all Government establishments in so far as they may be employed in the supervision or management of such estates other than establishments specially entertained for the supervision or management of any particular estate or group of estates, and

(b) all contingent expenditure incurred in consequence of such supervision or management;

(2) from time to time to vary such rate ; and

(3) to reduce or remit such rate in any special case or cases as may be equitable :

Provided that, in deciding the amount of the rate to be levied under this Act on any particular estate or group of estates, the Local

Government shall consider the expenditure incurred on special establishments for such estate or estates.

Power to levy special charges.

4. In cases where an officer of the Government is employed to give legal advice or to audit accounts on behalf of any estate, the Local Government, if it considers the services rendered to be of a special nature, may, in its discretion, direct a special charge to be made against that estate on account of such services, irrespective of the rate leviable under the last foregoing section.

Saving as to special expenditure.

5. Nothing in this Act shall apply to the cost of establishments specially entertained or to expenditure of any description specially incurred in respect of any particular estate or estates.

Validation of levy of past rates.

6. All rates for general supervision or management levied by any Local Government before the commencement of this Act shall be deemed to have been levied under this Act.

Power to make rules.

7. The Local Government may make any rules and issue any orders which may be necessary for carrying this Act into effect, and which are consistent therewith.

Exemption from jurisdiction of Courts.

8. Where any Government establishment is employed in such supervision as aforesaid, the Local Government shall be the sole judge of the cost attributable to such employment, and its decision thereon shall not be questioned in any Court of Law or otherwise.

Repeal.

9. Section 17 of the Court of Wards Act, 1879 (passed by the Lieutenant-Governor of Bengal in Council), and so much of Act III of 1881 (also passed by the Lieutenant-Governor of Bengal in Council) as relates to section 17 of the said Court of Wards Act, 1879, are hereby repealed. Ben. IX 1879.

S. HARVEY JAMES,

Secretary to the Government of India.

INDEX

TO

Punjab Government Gazette

FOR THE YEAR

1892.

PART V.

Civil Department.

PAGE.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 25, 1892.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th February, 1892 :—

NO. 3 OF 1892.

A Bill to provide for the levy of a rate on private estates under the management of Government to meet the cost of superior supervision and management.

WHEREAS it is expedient to provide for the levy of a rate on private estates under the management of Government to cover the cost of all Government establishments in so far as they are employed in the supervision and management of such estates, other than establishments specially entertained for any particular estate or group of estates, and to meet all contingent expenditure incurred by Government in connection with such supervision and management; It is hereby enacted as follows :—

Title, extent and commencement.

1. (*1*) This Act may be called the Government Management of Private Estates Act, 1892.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force on the passing thereof.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

[Act III of 1877, s. 3.]

(*1*) "immovable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops or grass:

(*2*) "gross income" includes all receipts of every kind in produce or cash, except recoveries of principal and the sale-proceeds of immovable property:

(*3*) "private estates under Government management" include—

(*a*) estates under the Court of Wards;

(*b*) encumbered estates under Government management;

(*c*) estates attached for default of payment of Government revenue;

(*d*) minors' estates placed under the guardianship of an officer of Government by a Civil Court;

(*e*) estates managed by a Collector under section 323 or section 504, Civil Procedure Code; and XIV of 1882.

(*f*) all other estates made over to or taken under the management of an officer of Government as such, under any law for the time being in force or in virtue of any special agreement.

Power to levy rate.

3. It shall be lawful for the Local Government—

(*1*) to levy on all private estates under Government management a rate, not exceeding four per cent. on the gross income, calculated, as nearly as may be possible, to cover—

(*a*) the cost of all Government establishments in so far as they may be employed in the supervision or management of such estates, other

than establishments specially entertained for the supervision or management of any particular estate or group of estates, and

(*b*) all contingent expenditure incurred in consequence of such supervision or management;

(*2*) from time to time to vary such rate; and

(*3*) to reduce or remit such rate in any special case or cases as may be equitable.

Power to levy special fees.

4. It shall be lawful for the Local Government—

(*1*) to prescribe and levy, irrespective of the said rate, on all or any of the said estates, special fees for legal advice and for the audit of accounts, when such advice is given or such audit is made by an officer or department of Government; or

(*2*) include the charges for such advice or audit in the said rate.

Saving of special establishments, &c.

5. Nothing in this Act shall apply to the cost of establishments specially entertained or to expenditure of any description specially incurred in respect of any particular estate or estates.

Validation of levy of past rates.

6. All rates for general supervision or management levied by any Local Government before the commencement of this Act shall be deemed to have been levied under this Act.

Power to make rules.

7. The Local Government may make any rules and issue any orders which may be necessary for carrying this Act into effect.

Exemption from jurisdiction of Civil Courts.

8. Where any Government establishment is employed in such supervision as aforesaid, the Local Government shall be the sole judge of the cost attributable to such employment, and its decision thereon shall not be questioned in any Court of law or otherwise. [Cf. Act I of 188?, s. 158.]

STATEMENT OF OBJECTS AND REASONS.

IN several provinces a general rate is already levied on estates under the Court of Wards, and is credited to Government to meet the estimated cost of supervision and management by Government officers. It is desirable to place the legality of these rates beyond doubt, and at the same time to limit their amount. It has been decided that other Local Governments should be empowered to levy similar rates, and that the rates should be leviable on all estates under Government management, and not merely on those under the Court of Wards.

Power has been given to the Local Governments to reduce or remit the rate in special cases. This provision is designed especially to meet cases in which Government officials are relieved of the supervision and management by the employment of special general managers.

Under section 4 of the Bill it is open to Local Governments either to charge special fees for legal advice and audit of accounts, where these services are rendered by Government officials, or to debit the contribution for these services to the general rate.

PHIL. P. HUTCHINS.

The 6th February, 1892.

S. HARVEY JAMES,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 24, 1892.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th March, 1892:—

No. 6 OF 1892.

A Bill to amend the Land Acquisition Act, 1870.

X of 1870. WHEREAS it is expedient to amend the Land Acquisition Act, 1870; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Land Acquisition Act, 1892; and

(*2*) It shall come into force at once:

Provided that nothing in this Act contained shall affect any proceedings in respect to compensation for any land regarding which the Collector has made an award under section 14, or a reference under section 15, of the Land Acquisition Act, 1870, before the passing of this Act. X of 1870.

Repeal of portion of section 1 and section 2, Act X, 1870.

2. (*1*) The words and figures "and it shall come into force on the first day of June, 1870," in section 1 of the Land Acquisition Act, 1870, are hereby repealed. X of 1870.

(*2*) Section 2 of the said Act is hereby repealed.

Amendment of, and addition to, section 3 of said Act.

3. (*1*) In section 3 of the said Act,—

(*a*) to the definition of the expression "person interested", shall be added the words "and also persons entitled to act.";

(*b*) in the definition of the expression "Company", the figures "1882" shall be substituted for the figures "1866".

(*2*) To section 3 of the said Act the following shall be added:—

"Provided that—

(*i*) no person shall be deemed 'entitled to act' whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(*ii*) in every such case the person interested may appear by a next friend or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof; and

(*iii*) the provisions of Chapter XXXI of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act." XIV of 1882.

Amendment of section 6 of said Act.

4. In section 6 of the said Act, for the words "out of some municipal fund", the words "out of some fund controlled or managed by a local authority as defined in section 3 (*6*) of the General Clauses Act, 1887," shall be substituted. I of 1887.

Amendment of section 9 of said Act.

5. In section 9 of the said Act there shall be added:—

(i) after the words "compensation for such interests", the words "and their objections (if any) to the measurements made under section 8"; and

(ii) after the word "post", the word "registered".

Amendment of section 10 of said Act.

6. In section 10 of the said Act, before the words "deliver to him" the words "make or", and after the words "deliver to him" the words "at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition)", shall be inserted.

Substitution of new sections for sections 11 to 15 of said Act.

7. For sections 11 to 15, both inclusive, of the said Act, and for the headings "*Enquiry into value and claims*" and "*Award by Collector*", respectively prefixed to sections 11 and 14 thereof, the following shall be substituted:—

"*Enquiry into Measurements, Value and Claims, and Award by the Collector.*

Enquiry and award by Collector.

"11. On the day so fixed or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated under section 9 to the measurements made under section 8, and into the value

of the land, and shall make an award under his hand of—

(i) the true measurements of the land;

(ii) the compensation which in his opinion should be allowed for the land; and

(iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

Award of Collector when to be final.

"12. Such award shall be filed in the Collector's office and shall be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not,—

(i) of the true measurements of the land;

(ii) unless altered in the manner hereinafter provided, also of the value of the land and of the apportionment of the compensation among the persons interested.

Adjournment of enquiry.

"13. The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

Power to summon and enforce attendance of witnesses and production of documents.

"14. For the purpose of enquiries under this Act, the Collector shall have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure. XIV of 1882.

Matters to be considered and neglected.

"15. In determining the amount of compensation, the Collector shall take into consideration the matters mentioned in section 24, and shall not take into consideration any of the matters mentioned in section 25."

Amendment of section 16 of said Act.

8. (1) In section 16 of the said Act, for the words "fourteen or a reference to the Court under section fifteen", the word "eleven", and for the word "may", the word "shall", shall be substituted.

(2) To section 16 of the said Act the following shall be added:—

"Provided that, in any case where immediate possession is not required, the Collector may allow the occupants (if any) of the land to remain in the occupation of the same, upon such terms as he and they may agree on, until possession of the land is required."

Amendment of section 17 of said Act.

9. In section 17 of the said Act,—

(i) for the words "though no such reference has been directed or award made", the words "though no such award has been made" shall be substituted;

(ii) after the words "on such land", the words "and for any other damage sustained by them" shall be inserted; and

(iii) after the words "such crops and trees" the words "and the amount of such other damage" shall be inserted.

New sections substituted for sections 18 to 36 of said Act.

10. For sections 18 to 36, both inclusive, of the said Act, and for the heading "REFERENCE TO COURT AND PROCEDURE THEREON" prefixed to section 18 thereof, the following shall be substituted:—

"SUITS TO ALTER THE COLLECTOR'S AWARD.

Suits by persons interested to alter Collector's award.

"18. A person interested may institute a suit in the Court to alter the award of the Collector under section 11, by the enhancement of the compensation awarded by the Collector, or by the alteration of the apportionment, made by the Collector, of the compensation among the persons interested, or in both ways:

Provided that every such suit shall be instituted within not more than three months from the date of the Collector's award if the person interested instituting it received a notice from the Collector under the third paragraph of section 9, or within not more than six months from the date of the Collector's award if the person or persons instituting it, or any of them, did not receive a notice from the Collector under the third paragraph of section 9.

"The provisions of section 424 of the Code of Civil Procedure shall not apply to any such suit. XIV of [1882].

When Collector may be cited.

"19. (1) If such suit is either solely or partly to enhance the compensation awarded by the Collector, the Collector shall be cited as the defendant or as one of the defendants.

(2) If such suit is solely to alter the apportionment, made by the Collector, of the compensation among the persons interested, the Collector shall not be cited as a defendant, but the Court shall nevertheless at once send him notice of the institution of the suit.

Deposit by Collector and disposal of amount of compensation.

"20. (1) On receipt of a summons under section 64 of the Code of Civil Procedure to appear as a defendant or of a notice of the institution of a suit under section 19 (2), the Collector shall, within fourteen days, deposit in the Court the compensation awarded by him together with a further sum amounting to fifteen per centum on the market-value mentioned in section 24 or so much of the said sums as shall not already have been paid to persons interested under Part V. XIV of [1882].

(2) If the suit is solely to enhance the compensation awarded by the Collector, the Court which tries the suit may deal with the sums so deposited under the provisions of section 377 (but not of sections 378 and 379) of the Code of Civil Procedure; but

(3) If the suit is also, or solely, to alter the apportionment, made by the Collector, of the compensation among the persons interested, the Court shall retain the sums so deposited pending the decision of the suit, and shall then pay them to the parties in such proportions as may be ordered by the decree; and for this purpose may transfer them to the Court which tries the suit:

Provided that, if the Court which tries the suit shall decide that the compensation awarded by the Collector was in excess of the compensation which should properly have been awarded for the land, the said Court shall in its decree order that the plaintiff shall refund to the Collector any sum which, either under Part V or under section 377 of the Code of Civil Procedure, he may have been paid in excess of the sum which the said Court shall decide to be the compensation which should properly have been awarded for the land; and such excess so paid shall be recoverable by the Collector as costs in the suit.

Suit by Government to alter the Collector's award or for refund of compensation.

21. If the Local Government shall be of opinion that the compensation awarded by the Collector is excessive, it may institute a suit in the Court against the persons interested, or any one or more of them, either to alter the award of the Collector by the reduction of the compensation awarded by him, if the amount so awarded (including the additional sum of fifteen per centum directed to be paid by section 41), or so much thereof as is not in excess of the sum which the Local Government admits to be the proper compensation for the land (including the said additional sum of fifteen per centum) has not been paid to persons interested; or,

if the amount of the award (including the said additional sum of fifteen per centum), or any portion thereof in excess of the sum which the Local Government admits to be the proper compensation for the land (including the said additional sum of fifteen per centum) has been paid to persons interested, to recover the excess of such amount, or portion thereof, as the case may be, over the total of the sum which the Local Government admits to be the proper compensation for the land (including the said additional sum of fifteen per centum) from the persons to whom such excess has been paid:

Provided that every such suit shall be instituted within not more than three months from the date of the Collector's award.

Valuation of suits and determination of jurisdiction.

II of 1870.

22. (*1*) For the purposes of the Court-fees Act, 1870, the value of a suit to alter the award of the Collector by the enhancement or reduction of the compensation awarded by him shall be taken to be the sum by which it is sought to enhance or reduce such compensation, as the case may be; and the value of a suit to alter the apportionment, made by the Collector, of the compensation among the persons interested shall be taken to be the total amount of the compensation.

(*2*) For the purpose of determining the jurisdiction of Courts with respect thereto, the value of a suit instituted under this Part shall be taken to be the total amount of the compensation awarded by the Collector.

Transfer of suits.

"23. The Court may transfer for trial any suit instituted under this Part to any Court subordinate to itself, and competent to try the same in respect of its nature, and of the amount or value of its subject-matter:

Provided that, except under the written permission of the Local Government, no such suit shall be transferred for trial to any Court which is not stationed at the head-quarter station of the land-revenue district in which the land is situated.

"Such written permission may be either general or special, and may at any time be annulled by the Local Government.

Matters to be considered in determining compensation.

"24. In a suit to alter the amount of compensation awarded by the Collector, the Court which tries the suit shall take into consideration—

First, the market-value of the land at the date of the publication of the declaration relating thereto under section 6;

Secondly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

Thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings; and

Fourthly, if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change.

Explanation.—By 'market-value' is meant the sum for which the land might reasonably have been expected to have been sold, if put up to auction on the spot, without undue haste and under ordinary circumstances, immediately before the publication of the declaration relating thereto under section 6.

Matters to be neglected in determining compensation.

"25. But in such a suit the Court which tries the suit shall not take into consideration—

First, the degree of urgency which has led to the acquisition;

Secondly, any disinclination of the person interested to part with the land acquired;

Thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

Fourthly, any damage which, after the date of the publication of the declaration under section 6, is likely to be caused to the land by or in consequence of the use to which the land acquired will be put;

Fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

Sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put; or

Seventhly, any outlay or improvements on the land acquired commenced, made or effected after the date of the publication of the declaration under section 6.

"26. The decree in a suit to alter the amount of compensation awarded by the Collector shall state—

Matters to be stated in decree.

First, the sum which, in the opinion of the Court which tries the suit, the Collector ought to have awarded as compensation; and

Secondly, the sum or sums which, after the addition to the said sum of fifteen per centum on the market-value of the land mentioned in section 24, shall be paid by, or to, the plaintiff or plaintiffs, or any of them, to, or by, the defendant or defendants, or any of them.

"27. (1) If the sum which, in the opinion of the Court which tries the suit, the Collector ought to have awarded as compensation, is in excess of the sum which the Collector did award as compensation, the decree may direct that the Collector shall pay interest on such excess at the rate of six per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court.

Collector may be directed to pay interest on excess compensation.

(2) The decree shall not otherwise direct that the Collector shall pay interest, save under section 222 of the Code of Civil Procedure.

XIV of 1882.

28. Save in so far as inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to suits instituted under ths Part.

Code of Civil Procedure to apply.

XIV of 1882.

"29. Notwithstanding anything contained in any other law for the time being in force, an appeal shall lie to the High Court from the decree, or from any part of the decree, in any suit instituted under this Part, of a judicial officer appointed by the Local Government under section 3, either specially for any case, or generally within any special local limits, to perform the functions of a Judge under this Act, against whose decisions no appeal lies under any law for the time being in force relating to his exercise of his ordinary jurisdiction."

Appeals in certain cases.

Repeal of Part IV of said Act.

11. Part IV of the said Act is hereby repealed.

Substitution of new Part for Part V of said Act.

12. For Part V of the said Act, the following shall be substituted :—

"PART V.

"PAYMENT.

"40. On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them if they shall consent to receive it :

Payment of compensation to whom to be made.

Provided that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled theretc.

"41. (1) In addition to the amount of any compensation awarded under Part II, the Collector shall, in consideration of the compulsory nature of the acquisition, pay fifteen per centum on the market-value mentioned in section 24.

Percentage on market-value.

(2) When the amount of such compensation is not paid or payment thereof tendered on or before taking possession of the land, the Collector shall pay the amount awarded and the said percentage with interest on such amount and percentage at the rate of six per centum per annum from the time of so taking possession."

13. In section 45 of the said Act, the words "and on such reference, or on a reference under section 43, the Judge sitting alone shall decide the difference referred" are repealed.

Amendment of section 45 of said Act.

Addition of section after section 45 of said Act.

14. After section 45 of the said Act, the following shall be added, namely :—

"45A. The Judge may pass such order as he may think fit in regard to the costs of a reference made under this Part, and from such order there shall be no appeal."

Cost on references under this Part.

Addition of sections after section 5) of said Act.

15. After section 50 of the said Act, the following shall be added, namely :—

"50A. The provisions of sections 47 to 50, both inclusive, shall not apply, and shall be deemed never to have applied, to the acquisition of land for any railway or other company, for the purposes of which, under any agreement between such company and the Secretary of State for India in Council, the Government is, or was, bound to provide land.

Sections 47 to 50 not to apply where Government bound by agreement to provide land for companies.

"50B. In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in section 50A shall be presumed, unless the contrary is proved or is admitted by the Collector."

When agreement between company and Secretary of State need not be proved.

16. To section 51 of the said Act, after the word "business", the following shall be added :—
"or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court-house, and also in some conspicuous part of the land to be acquired."

Addition to section 51 of said Act.

Amendment of section 54 of said Act.

17. In section 54 of the said Act,—

(i) the following words are repealed:—"unless an award shall have been made or a reference directed under the provisions hereinbefore contained";

(ii) for the word "injured", the words "interested, together with all costs proved to have been incurred by him in the prosecution of the proceedings under this Act relating to the said land" shall be substituted.

Addition to section 55 of said Act.

18. To section 55 of the said Act, the following shall be added:—

"Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired:

Provided also that, if the Local Government shall be of opinion that the claim under section 24, *secondly*, by a person interested, on account of the severing of the land to be acquired from his other land, is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the Local Government to the person interested, and shall thereafter proceed to make his award under section 11."

Amendment of section 56 of said Act.

19. In section 56 of the said Act, for the words "any Municipal Fund", the words "any fund controlled or managed by a local authority as defined in section 3 (*6*) of the General Clauses Act, 1887," shall be substituted. I of 1887.

Repeal of part of section 58 of said Act.

20. In section 58 of the said Act, the words "no suit shall be brought to set aside an award under this Act. And" are repealed.

STATEMENT OF OBJECTS AND REASONS.

FOR several years past the amendment of the Land Acquisition Act, 1870, has been under consideration by the Government of India in communication with Local Governments.

2. Before the passing of that Act, the valuation of the lands, which it was found necessary to take up for the execution of public works, was entirely in the hands of Arbitrators, from whose decision there was no appeal. This system led to a lamentable waste of the public money, both because the Arbitrators were incompetent, and sometimes, it is to be feared, corrupt, and also because the law, as it then stood, laid down no instructions for their guidance in the performance of their duties. This latter defect among others, was remedied by the Act of 1870, which it is now proposed to amend, and which contains detailed instructions as to the matters which are to be considered, and which are to be neglected, in awards of compensation for lands acquired under its provisions The Act of 1870 also provided for the abolition of the system under which uncontrolled discretion was entrusted to Arbitrators; and, in lieu thereof, required the Collector, when unable to come to terms with the persons interested in land which it was desired to take up, to refer the difference for the decision of a Civil Court, usually that of the District Judge. In the disposal of such references, the Court is aided by Assessors, and its finding is final if the Judge and one or more of the Assessors agree. If, however, the Judge and the Assessors disagree, an appeal is allowed, which usually lies to the High Court.

3. The Act of 1870 has not, in practice, been found entirely effective for the protection either of the persons interested in lands taken up or of the public purse. The requirement that the Collector shall refer for the decision of the Court every petty difference of opinion as to value, and every case in which any one of perhaps a large number of persons fails to attend before him, has involved in litigation, with all its trouble and delay and expense, a great number of persons whose interest in the land was extremely insignificant. It has, in fact, frequently been the case that the owners of small pieces of land have had to pay Court costs to an amount far exceeding the value of the land itself.

4. On the other hand, the provisions of the Act as to the incidence of costs, the whole of which fall on the Collector if the final award is ever so little in excess of the amount of his tender, are such as to encourage extravagant and speculative claims. The chance of altogether escaping the payment of costs is so great, that claimants are in the position of risking very little in order to gain very much, and have, therefore, every motive to refuse even liberal offers made by the Collector, and to try their luck by compelling a reference to the Court. Much the same may be said as to the provisions of the existing law regarding the payment of interest. No matter how fair the original offer of the Collector and how groundless the refusal to accept the compensation he has tendered, interest is payable on the amount of the award finally arrived at from the date of the Collector's taking possession of the land. This may be for a period of two or three years, and, as interest continues to run until the litigation is finally completed, it is to the advantage of the landowner to protract the proceedings to the utmost. All this casts a very heavy and undeserved burden on the public purse.

5. It is proposed, therefore, to amend the law by making the Collector's award final, unless altered by the decree in a regular suit. Persons interested in land taken up for public works will thus still have the opportunity, if they desire it, of preferring to an authority quite independent of the Collector their claims to more substantial compensation than the Collector has awarded; and will in all cases have a further right of appeal to the regular appellate courts. They will no longer, however, be encouraged to litigate by the feeling that they can hardly lose, but may make a great gain by doing so.

6. This change in the procedure for determining the valuation of lands taken up for public works will also render it possible to dispense with the services of the Assessors, who are now supposed to assist the Court. Considering the difficulty, almost throughout the country, of obtaining the services of such Assessors as are really qualified to form a sound opinion on the subject of the valuation of land, it is believed that the proposal to dispense with them, and to leave the matter to the sole arbitrament, first of the Collector, and then of the Judge, will in no way diminish the efficiency of the Courts in enquiries in which the value of lands is in issue. It will certainly tend to shorten litigation and to diminish its expense.

7. Several minor amendments in the law, which experience has shown to be desirable, are included in the Bill.

8. A copy of the Act of 1870, as it will stand if amended as proposed by the Bill, is annexed.

The 11th March, 1892.

H. W. BLISS.

ACT No. X OF 1870, AS AMENDED BY ACTS IX OF 1871, XII OF 1876, XIII OF 1879 AND XVIII OF 1884.

(As it will stand if amended as proposed in the Bill.)

An Act for the acquisition of land for public purposes and for Companies.

Preamble.

WHEREAS it is expedient to consolidate and amend the law for the acquisition of land needed for public purposes and for Companies, and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called the Land Acquisition Act, 1870.

Local extent.

It extends to the whole of British India.

2. *(To be repealed.)*

Interpretation clause.

3. In this Act—

"Land."

The expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

"Person interested."

The expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; *and also persons entitled to act:*

"Collector."

The expression "Collector" means the Collector of a District, and includes a Deputy Commissioner and any officer specially appointed by the Local Government to perform the functions of a Collector under this Act:

"Court."

The expression "Court" means, in the Regulation Provinces, the Punjab, British Burma and Sindh, a principal Civil Court of original jurisdiction,

and in the Non-regulation Provinces other than the Punjab, British Burma and Sindh, the Court of a Commissioner of a Division,

unless when the Local Government has appointed (as it is hereby empowered to do), either specially for any case, or generally within any specified local limits, a judicial officer to perform the functions of a Judge under this Act, and then the expression "Court" means the Court of such officer:

"Company."

The expression "Company" means a Company registered under the Indian Companies' Act, *1882*, or formed in pursuance of an Act of Parliament, or by Royal Charter or Letters Patent;

"Entitled to act."

And the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability:

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age; and

the guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted:

Provided that—

(i) no person shall be deemed 'entitled to act' whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be

adverse to the interest of the person interested for whom he would otherwise be entitled to act ;

(*ii*) *in every such case the person interested may appear by a next friend or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof; and*

(*iii*) *the provisions of Chapter XXXI of the Code of Civil Procedure shall, mutatis mutandis, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act.*

PART II.

ACQUISITION.

Preliminary investigation.

Power to enter and survey.

4. Whenever it appears to the local Government that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in the local Gazette, and the Collector shall cause the public notice of the substance of such notification to be given at convenient places in the said locality.

Thereupon it shall be lawful for any officer either generally or specially authorized by such Government in this behalf, and for his servants and workmen,

to enter upon and survey and take levels of any land in such locality:

to dig or bore into the sub-soil:

to do all other acts necessary to ascertain whether the land is adapted for such purpose:

Power to mark out line.

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon:

to mark such levels, boundaries and line by placing marks and cutting trenches:

Power to clear land.

and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Previous notice of entry.

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Payment for damage.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector, and such decision shall be final.

Declaration of intended Acquisition.

Declaration that land is required for a public purpose.

6. Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders:

I of 1887.

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid out of public revenues, or out of some fund *controlled or managed by a local authority as defined in section 3 (6) of the General Clauses Act, 1887*, or by a Company.

Contents of declaration.

The declaration shall be published in the local official gazette and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

Declaration to be evidence.

The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and after making such declaration, the Local Government may acquire the land in manner hereinafter appearing.

After declaration, Collector to take order for acquisition.

7. Whenever any land shall have been so declared to be needed for a public purpose or for a Company, the Local Government, or some officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

Land to be marked out and measured.
Plan.

8. The Collector shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

Notice to persons interested.

9. The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

Contents of notice.

Such notice shall state the particulars of the land so needed and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, *and their objections (if any) to the measurements made under section 8.*

Notice to occupiers.

The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorised to receive service on their behalf, within the Revenue District in which the land is situate.

In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post, *registered.*

Power to require statements as to interests.

10. The Collector may also require any such person to *make or* deliver to him *at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition)* a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

Persons required to make statements to be deemed legally bound to do so.

Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

Enquiry into Measurements, Value and Claims and Award by the Collector.

Enquiry and award by Collector.

11. *On the day so fixed or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated under section 9 to the measurements made under section 8, and into the value of the land, and shall make an award under his hand of—*

(*i*) *the true measurements of the land;*

(*ii*) *the compensation which in his opinion should be allowed for the land; and*

(*iii*) *the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.*

Award of Collector when to be final.

12. *Such award shall be filed in the Collector's office and shall be final and conclusive evidence as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not,—*

(*i*) *of the true measurements of the land;*

(*ii*) *unless altered in the manner hereinafter provided, also of the value of the land and of the apportionment of the compensation among the persons interested.*

Adjournment of enquiry.

13. *The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.*

Power to summon and enforce attendance of witnesses and production of documents.

14. *For the purpose of enquiries under this Act, the Collector shall have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure.* XIV of 1882.

Matters to be considered and neglected.

15. *In determining the amount of compensation, the Collector shall take into consideration the matters mentioned in section 24, and shall not take into consideration any of the matters mentioned in section 25.*

Taking Possession.

Power to take possession.

16. When the Collector has made an award under section *11*, he *shall* take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances :

Provided that, in any case where immediate possession is not required, the Collector may allow the occupants (if any) of the land to remain in the occupation of the same upon such terms as he and they may agree on until possession of the land is required.

Power to take possession in cases of urgency.

17. In cases of urgency, whenever the Local Government so directs, the Collector (though no such award *has been* made) may, on the expiration of fifteen days from the publication of the notice mentioned in the first paragraph of section 9, take possession of any waste or arable land needed for public purposes or for a Company.

Such land shall thereupon vest absolutely in the Government free from all encumbrances.

The Collector shall offer to the persons interested compensation for the standing crops and trees (if any) on such land *and for any other damage sustained by them;* and in case such offer is not accepted, the value of such crops and trees *and the amount of such other damage* shall be allowed for in awarding compensation for the land under the provisions herein contained.

PART III.

SUITS TO ALTER THE COLLECTOR'S AWARD.

Suits by persons interested to alter Collector's award.

18. *A person interested may institute a suit in the Court to alter the award of the Collector under section 11, by the enhancement of the compensation awarded by the Collector or by the alteration of the apportionment, made by the Collector, of the compensation among the persons interested, or in both ways:*

Provided that every such suit shall be instituted within not more than three months from the date of the Collector's award if the person interested instituting it received a notice from the Collector under the third paragraph of section 9, or within not more than six months from the date of the Collector's award if the person or persons instituting it, or any of them, did not receive a notice from the Collector under the third paragraph of section 9.

XIV of 1882. *The provisions of section 424 of the Code of Civil Procedure shall not apply to any such suit.*

When Collector may be cited.

19. (*1*) *If such suit is either solely or partly to enhance the compensation awarded by the Collector, the Collector shall be cited as the defendant or as one of the defendants.*

(*2*) *If such suit is solely to alter the apportionment, made by the Collector, of the compensation among the persons interested, the Collector shall not be cited as a defendant, but the Court shall nevertheless at once send him notice of the institution of the suit.*

Deposit by Collector and disposal of amount of compensation.

XIV of 1882. 20. (*1*) *On receipt of a summons under section 64 of the Code of Civil Procedure to appear as a defendant or of a notice of the institution of a suit under section 19 (2), the Collector shall, within fourteen days, deposit in the Court the compensation awarded by him together with a*

further sum amounting to 15 per centum on the market-value mentioned in section 24, or so much of the said sums as shall not already have been paid to persons interested under Part V.

(2) *If the suit is solely to enhance the compensation awarded by the Collector, the Court which tries the suit may deal with the sums so deposited under the provisions of section 377 (but not of sections 378 and 379) of the Code of Civil Procedure; but*

(3) *If the suit is also, or solely, to alter the apportionment, made by the Collector, of the compensation among the persons interested, the Court shall retain the sums so deposited pending the decision of the suit, and shall then pay them to the parties in such proportions as may be ordered by the decree; and for this purpose may transfer them to the Court which tries the suit:*

Provided that, if the Court which tries the suit shall decide that the compensation awarded by the Collector was in excess of the compensation which should properly have been awarded for the land, the said Court shall in its decree order that the plaintiff shall refund to the Collector any sum which, either under Part V or under section 377 of the Code of Civil Procedure, he may have been paid in excess of the sum which the said Court shall decide to be the compensation which should properly have been awarded for the land; and such excess so paid shall be recoverable by the Collector as costs in the suit.

Suit by Government to alter the Collector's award or for refund of compensation.

21. *If the Local Government shall be of opinion that the compensation awarded by the Collector is excessive, it may institute a suit in the Court against the persons interested, on any one or more of them, either to alter the award of the Collector by the reduction of the compensation awarded by him, if the amount so awarded (including the additional sum of fifteen per centum directed to be paid by section 41), or so much thereof as is not in excess of the sum which the Local Government admits to be the proper compensation for the land (including the said additional sum of fifteen per centum) has not been paid to the persons interested; or,*

If the amount of the award (including the said additional sum of fifteen per centum), or any portion thereof in excess of the sum which the Local Government admits to be the proper compensation for the land (including the said additional sum of fifteen per centum) has been paid to persons interested, to recover the excess of such amount, or portion thereof, as the case may be, over the total of the sum which the Local Government admits to be the proper compensation for the land (including the said additional sum of fifteen per centum) from the persons to whom such excess has been paid:

Provided that every such suit shall be instituted within not more than three months from the date of the Collector's award.

Valuation of suits and determination of jurisdiction.

22. (1) *For the purposes of the Court-fees Act, 1870, the value of a suit to alter the award of the Collector by the enhancement or reduction of the compensation awarded by him shall be taken to be the sum by which it is sought to enhance or reduce such compensation, as the case may be; and the value of a suit to alter the apportionment, made by the Collector, of the compensation among the persons interested, shall be taken to be the total amount of the compensation.* *VII of 1870.*

(2) *For the purpose of determining the jurisdiction of Courts with respect thereto, the value of a suit instituted under this Part shall be taken to be the total amount of the compensation awarded by the Collector.*

Transfer of suits.

23. *The Court may transfer for trial any suit instituted under this Part to any Court subordinate to itself, and competent to try the same in respect of its nature, and of the amount or value of its subject-matter:*

Provided that, except under the written permission of the Local Government, no such suit shall be transferred for trial to any Court which is not stationed at the head-quarter station of the land-revenue district in which the land is situated.

Such written permission may be either general or special and may at any time be annulled by the Local Government.

Matters to be considered in determining compensation.

24. *In a suit to alter the amount of compensation awarded by the Collector, the Court which tries the suit shall take into consideration—*

First, the market-value of the land at the date of the publication of the declaration relating thereto under section 6;

Secondly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

Thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings; and

Fourthly, if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change.

Explanation.—By 'market-value' is meant the sum for which the land might reasonably have been expected to have been sold, if put up to auction on the spot, without undue haste and under ordinary circumstances, immediately before the publication of the declaration relating thereto under section 6.

Matters to be neglected in determining compensation.

25. *But in such a suit the Court which tries the suit shall not take into consideration*—

First, the degree of urgency which has led to the acquisition;

Secondly, any disinclination of the person interested to part with the land acquired;

Thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

Fourthly, any damage which, after the date of the publication of the declaration under section 6, is likely to be caused to the land by or in consequence of the use to which the land acquired will be put;

Fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

Sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put; or

Seventhly, any outlay or improvements on the land acquired commenced, made or effected after the date of the publication of the declaration under section 6.

Matters to be stated in decree.

26 *The decree in a suit to alter the amount of compensation awarded by the Collector shall state*—

First, the sum which, in the opinion of the Court which tries the suit, the Collector ought to have awarded as compensation; and

Secondly, the sum or sums which, after the addition to the said sum of fifteen per centum on the market-value of the land mentioned in section 24, shall be paid by, or to, the plaintiff or plaintiffs, or any of them, to, or by, the defendant or defendants, or any of them.

Collector may be directed to pay interest on excess compensation.

27. (1) *If the sum which, in the opinion of the Court which tries the suit, the Collector ought to have awarded as compensation, is in excess of the sum which the Collector did award as compensation the decree may direct that the Collector shall pay interest on such excess at the rate of six per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court.*

(2) *The decree shall not otherwise direct that the Collector shall pay interest, save under section 222 of the Code of Civil Procedure.* XIV of 1882.

Code of Civil Procedure to apply.

28. *Save in so far as inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to suits instituted under this Part.* XIV of 1882.

Appeals in certain cases.

29. *Notwithstanding anything contained in any other law for the time being in force, an appeal shall lie to the High Court from the decree, or from any part of the decree, in any suit instituted under this Part, of a Judicial Officer appointed by the Local Government under section 3, either specially for any case or generally within any special local limits, to perform the functions of a Judge under this Act, against whose decisions no appeal lies under any law for the time being in force relating to his exercise of his ordinary jurisdiction.*

PART V.

Payment.

Payment of compensation to whom to be made.

40. *On making an award under section 11 the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them if they shall consent to receive it:*

Provided that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

Percentage on market-value.

41. (*1*) *In addition to the amount of any compensation awarded under Part II, the Collector shall, in consideration of the compulsory nature of the acquisition, pay fifteen per centum on the market-value mentioned in section 24.*

(2) *When the amount of such compensation is not paid or payment thereof tendered on or before taking possesssion of the land, the Collector shall pay the amount awarded and the said percentage with interest on such amount and percentage at the rate of six per centum per annum from the time of so taking possession.*

PART VI.

TEMPORARY OCCUPATION OF LAND.

Temporary occupation of waste or arable land.

43. Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Local Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

Difference as to compensation.

In case the Collector and the persons interested differ as to the sufficiency of the compensation, the Collector shall refer such difference for the final order of the Court.

Power to enter and take possession.

44. On payment of such compensation,

or on executing such agreement,

or on making a reference under section 43,

the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

Restoration of land taken.

And, on the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

Difference as to condition of land.

45. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference for the final order of the Court.

Costs on references under this Part.

45A. *The Judge may pass such order as he may think fit in regard to the costs of a reference made under this Part, and from such order there shall be no appeal.*

PART VII.

ACQUISITION OF LAND FOR COMPANIES.

Company may be authorized to enter and survey.

46. Subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, the Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section 4.

Construction of sections four and five.

In every such case section four shall be construed as if, for the words "for such purpose," the words "for the purposes of the Company" were substituted, and section 5 shall be construed as if, after the words "the officer," the words "of the Company" were inserted.

Consent of Local Government to acquisition.
Execution of agreement.

47. The provisions of section 6 to section 45 (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Local Government, and unless the Company shall have executed the agreement hereinafter mentioned.

Previous enquiry.

48. Such consent shall not be given unless the Local Government be satisfied, by an enquiry held as hereinafter provided—

(*1*) that such acquisition is needed for the construction of some work, and

(*2*) that such work is likely to prove useful to the public.

Such enquiry shall be held by such officer and at such time and place as the Local Government shall appoint.

Such officer may summon and enforce the attendance of witnesses, and compel the production of documents by the same means and, as far as possible, in the same manner as
XIV of 1872. is provided by the Code of Civil Procedure in the case of a Civil Court.

Agreement with Secretary of State in Council.

49. Such officer shall report to the Local Government the result of the enquiry, and if the Local Government is satisfied that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council providing to the satisfaction of the Local Government for the following matters, namely:—

(1) the payment to Government of the cost of the acquisition:

(2) the transfer, on such payment, of the land to the Company:

(3) the terms on which the land shall be held by the Company:

(4) the time within which, and the conditions on which, the work shall be executed, and maintained; and

(5) the terms on which the public shall be entitled to use the work.

Publication of agreement.

50. Every such agreement shall, as soon as may be after its execution, be published in the Gazette of India and also in the local official gazette and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

Sections 47 to 50 not to apply where Government bound by agreement to provide land for Companies.

50A. *The provisions of sections 47 to 50, both inclusive, shall not apply, and shall be deemed never to have applied, to the acquisition of land for any railway or other Company, for the purposes of which, under any agreement between such Company and the Secretary of State for India in Council, the Government is, or was, bound to provide land.*

When agreement between Company and Secretary of State need not be proved.

50B. *In the case of the acquisition of land for the purposes of a Railway Company the existence of such an agreement as is mentioned in section 50A shall be presumed, unless the contrary is proved or is admitted by the Collector.*

PART VIII.

MISCELLANEOUS.

Service of notice.

51. Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

Whenever it may be practicable, the service of the notice shall be made on the person therein named.

When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, *or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector, or in the court-house, and also in some conspicuous part of the land to be acquired.*

Obstruction to survey, etc. Filling trenches. Destroying land marks.

52. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

Magistrate to enforce surrender.

53. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

Government not bound to complete acquisition.

54. Except in the case provided for in section 44, nothing in this Act shall be taken to compel the Government to complete the acquisition of any land.

Compensation when acquisition is not completed.

But, whenever the Government declines to complete any such acquisition, the Collector shall determine the amount of compensation due for the damage (if any) done to such land under section 4 or section 8, and not already paid for under section 5, and shall pay such amount to the person *interested, together with all costs proved to have been incurred by him in the prosecution of the proceedings under this Act relating to the said land.*

Part of house or building not to be taken.

55. The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired :

Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his express desire that the whole of such house, manufactory or building shall be so acquired:

Provided also that, if the Local Government shall be of opinion that the claim under section 24, secondly, by a person interested, on account of the severing of the land to be acquired from his other land, is unreasonable or excessive, it may at any time before the Collector has made his award order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the Local Government to the person interested and shall thereafter proceed to make his award under section 11.

Payment of Collector's charges by Municipal *or Local* Body or Company.

56. Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund *controlled or managed by a local authority as defined by section 3 (b) of the General Clauses Act, 1867.* or of any Company, the charges incurred I of 1887. by the Collector in such acquisition shall be defrayed from or by such Fund or Company.

Exemption from stamp-duty and fees.

57. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Limitation of suits for anything done in pursuance of Act.

No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

Power to make rules.

59. The Local Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

Publication of rules.

All such rules, alterations and additions shall, when sanctioned by the Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

S. HARVEY JAMES,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 31, 1892.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th March, 1892:—

No. 7 OF 1892.

A Bill to amend the Indian Limitation Act, 1877, and the Code of Civil Procedure.

XV of 1877. XIV of 1882. WHEREAS it is expedient to amend the Indian Limitation Act, 1877, and the Code of Civil Procedure; It is hereby enacted as follows:—

XV of 1877. Addition of new section after section 5, Act XV of 1877. 1. After section 5 of the Indian Limitation Act, 1877, the following section shall be added, namely:—

Limitation for certain appeals or applications for review of judgment. "5A. Whenever it is shown to the satisfaction of a Court that an appeal or an application for a review of judgment was presented after the expiration of the period of limitation prescribed for such appeal or application owing to the appellant or applicant at the time when he presented such appeal or application having been misled by any then unrepealed order, or then existing practice or judgment not then overruled of the High Court of the Presidency, Province or District, such appeal or application, if otherwise in accordance with law, shall for all purposes be deemed by all Courts to have been presented within the period of limitation prescribed therefor."

XIV of 1882. Addition of new section to Chapter XXII of Code of Civil Procedure. 2. To Chapter XXII of the Code of Civil Procedure the following section shall be added, namely:—

Applications for execution of decrees not affected. "375A. Nothing in this Chapter shall apply to any application or other proceeding in any suit subsequent to the decree.

"*Explanation.*—An application to the Appellate Court pending an appeal is not an application subsequent to the decree within the meaning of this section."

Addition of new section after section 582 of said Code. 3. After section 582 of the said Code the following section shall be added, namely:—

Validation of certain memoranda of appeals or applications for review of judgment. "582A. If a memorandum of appeal or application for a review of judgment has been presented within the proper period of limitation, but is written upon paper insufficiently stamped and the insufficiency of the stamp was caused by a mistake on the part of the appellant or applicant as to the amount of the requisite stamp, the memorandum of appeal or application shall have the same effect and be as valid as if it had been properly stamped: Provided that such appeal or application shall be rejected unless the appellant or applicant supplies the requisite stamp within a reasonable time after the discovery of the mistake, to be fixed by the Court."

Addition to section 647 of said Code. 4. To section 647 of the said Code the following shall be added, namely:—

"*Explanation.*—This section does not apply to applications for the execution of decrees, which are proceedings in suits."

STATEMENT OF OBJECTS AND REASONS.

IN the case of *Bechi* v. *Ahsanullah Khan*, 12 All. 461, the North-Western Provinces High Court held, in accordance with the practice of the High Court at Madras, that under section 12 of the Indian Limitation Act, 1877, in computing "the time . . . . requisite for obtaining a copy of the decree" the Court ought not to include time which had passed before the application for a copy was made, even though the decree had not then been in fact drawn up or signed. Up to the date of this decision the practice of the Court, following that of the High Court at Calcutta, had been different, and the effect of the decision was to rule out of time several appeals which were in time according to the then practice of the Court, at the time when they were presented.

The first section of the Bill is designed to prevent the occurrence of a similar hardship in future.

2. Sections 2 and 4 of the Bill are intended to meet a conflict of opinion which has arisen between the High Court of Allahabad on one side and the High Courts of Calcutta and Bombay on the other as to the interpretation of section 647 of the Code of Civil Procedure. The Allahabad High Court have held (I. L. R. 12 All. 392) that that section makes the provisions of Chapter XXII of the Code applicable to proceedings in execution of decree. The contrary view has been taken by the High Court of Bombay (I. L. R. 10 Bom. 62) and by the High Court of Calcutta (I. L. R. 18 Cal. 462, 515). Section 2 of the Bill declares that the provisions in question are not to apply to proceedings after decree, and section 4 limits the operation of section 647 of the Code in accordance with the opinions expressed by the High Courts of Calcutta and Bombay.

3. In the case of *Balkaran Rai* v. *Gobind Nath Tiwari* (I. L. R. 12 All. 129) it was held by the High Court of Allahabad that a memorandum of appeal cannot be filed or recorded in, or received by, a Court unless and until the proper court-fee is paid in respect of it, and is of no validity unless and until it is properly stamped. Consequently, if it is not, when tendered, properly stamped, it is not at that time a memorandum of appeal within the meaning of section 541 of the Code of Civil Procedure, and the appeal cannot be regarded as having been at that time presented within the meaning of section 4 of the Indian Limitation Act, 1877, or as valid for any other purpose except in the events specified in section 28 of the Court-fees Act.

The Government of India are of opinion that when the insufficiency of the stamp is caused by a *bonâ fide* mistake on the part of the appellant as to the value of the court-fee stamp required it ought to be obligatory on the Courts to admit the appeal; provided that, if the deficiency is not made good within a reasonable time after the mistake has been discovered, the appeal should then be rejected.

ALEX. EDW. MILLER.

The 18th March, 1892.

S. HARVEY JAMES,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 7, 1892.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th March, 1892 :—

NO. 8 OF 1892.

A Bill to amend the Law of Partition.

WHEREAS it is expedient to amend the law of partition ; It is hereby enacted as follows : —

Title, extent and commencement.

1. (*1*) This Act may be called the Partition Act, 1892.

(*2*) It extends to the whole of British India ; and

(*3*) It shall come into force at once.

Saving of certain local laws.

(*4*) But nothing herein contained shall be deemed to affect any local law providing for the partition of immoveable property paying revenue to the Government.

Power to Court to order sale instead of division in partition suits.

2. Whenever in any suit for partition in which, if instituted prior to the commencement of this Act, a decree for partition might have been made, it appears to the Court that, by reason of the nature of the property to which the suit relates, or of the number of parties interested therein, or of any other special circumstance, a division of the property cannot reasonably or conveniently be made, and that a sale of the property and distribution of the proceeds would be more beneficial for all the parties interested, the Court may, if it thinks fit, on the request of any party or parties interested individually or collectively to the extent of one moiety or upwards, direct a sale of the property and a distribution of the proceeds.

Procedure when sharer undertakes to buy.

3. (*1*) If, in any case in which the Court is requested under the last foregoing section to direct a sale, any other shareholder shall undertake to buy the share or shares of the party or parties asking for sale, the Court shall, instead of directing a sale, order a valuation of the share or shares in such manner as it thinks fit, and may give all necessary and proper directions in that behalf.

(*2*) If two or more shareholders undertake to buy as provided in sub-section (*1*), but do not agree as between or among themselves with regard to the respective proportions in which they should buy, the Court shall sell the share or shares to the shareholder who offers to pay the highest price above the valuation made by the Court.

Partition suit by transferee of share in dwelling-house.

4. (*1*) Where the transferee of a share of a dwelling-house belonging to an undivided family not being a member of the family sues for partition, the Court shall, if any member of the family shall undertake to buy the share of such transferee, make a valuation of such share in such manner as it thinks fit and direct the transfer of the share on payment of the purchase-money so fixed by the Court.

(*2*) If in any case described in sub-section (*1*) two or more members of the family unde[illegible] take to buy, but do not agree as betw[illegible] among themselves with regard to the r[illegible] proportions in which they sho[illegible] Court shall follow the procedur[illegible] sub-section (*2*) of the last fo[illegible]

5. In any suit for partition a request for sale, may be made or an undertaking to buy given on behalf of any party under disability by any person authorized to act on behalf of such party in such suit, but the Court shall not be bound to comply with any such request or undertaking unless it is satisfied that the sale or purchase will be for the benefit of the party under such disability.

Representation of parties under disability.

6. (*1*) On any sale under this Act any of the parties interested in the property shall be at liberty to bid at the sale on such terms as to non-payment of deposit or as to setting off or accounting for the purchase-money or any part thereof instead of paying the same as to the Court may seem reasonable.

Power to shareholders to bid at sale.

(*2*) If two or more persons, of whom one is a shareholder in the property, respectively advance the same sum at any bidding at such sale, such bidding shall be deemed to be the bidding of the shareholder.

7. When any property is directed to be sold under this Act, the following procedure shall, as far as practicable, be adopted, namely:—

Procedure to be followed in case of sales.

(*a*) if the property be situated within the town of Calcutta, Madras or Bombay, the procedure of the High Court in its original civil jurisdiction for the sale of property by the Registrar;

(*b*) if the property be situated elsewhere such procedure as the High Court may from time to time by rules prescribe in this behalf, and until such rules are made the procedure prescribed in the Code of Civil Procedure in respect of sales in execution of decrees.

XIV of 1882.

8. (*1*) On a sale of immoveable property becoming absolute under this Act, the Court shall grant a certificate stating the property sold and the name of the person who at the time of sale is declared to be the purchaser.

Certificate to purchaser of immoveable property.

(*2*) Such certificate shall bear the date of the confirmation of the sale; and, so far as regards the parties to the suit and persons claiming through or under them, the title to the property sold shall vest in the purchaser from the date of such certificate and not before.

9. When any property is sold under this Act, the proceeds, after deducting the costs of the sale, shall be distributed among the parties according to their respective interests as ascertained by the Court.

Distribution of proceeds of sales.

10. (*1*) Any order made by the Court under section 2 or section 4 shall be deemed to be a decree within the meaning of section 2 of the Code of Civil Procedure and to be appealable as such.

Appeals.

XIV [of 1882.]

(*2*) All other orders shall be appealable only when such orders are of the same nature as appealable orders under section 588 of the Code of Civil Procedure, and the orders passed in appeals in such cases shall be final.

11. Nothing herein contained shall prevent the Court from making a decree for a partition of part of the property to which the suit relates and a sale of the remainder.

Saving of power to order partly partition and partly sale.

12. This Act shall apply to suits pending at the commencement thereof, in which no commission for the purpose of making a partition shall have been executed.

Application of Act to pending suits.

STATEMENT OF OBJECTS AND REASONS.

THE present statutory law on the subject of partition, apart from various local laws dealing with the partition of land paying revenue to Government, is contained in sections 265 and 396 of the Code of Civil Procedure. Section 265 simply enacts that the partition or separation of a revenue-paying estate shall be made only by the Collector, and need not therefore be noticed further, as the present Bill leaves untouched all local laws dealing with the partition of such property. Section 396 lays down the procedure which should be adopted in the partition of lands not paying revenue to Government. That section, however, only authorizes the Court to divide the property, and in some exceptional cases where an equal division is not practicable to award a money compensation for the purpose of equalizing the value of the shares. But as the law now stands the Court *must* give a share to each of the parties and cannot direct a sale and division of the proceeds in any case whatever. Instances, however, occasionally occur where there are insuperable practical difficulties in the way of making an equal division, and in such cases the Court is either powerless to give effect to its decree, or is driven to all kinds of shifts and expedients in order to do so. Such difficulties are by no means of very rare occurrence, although in many cases where the parties are properly advised they generally agree to some mutual arrangement, and thus relieve the Court from embarrassment.

2. It is proposed in the present Bill to supply this defect in the law by giving the Court, under proper safeguards, a discretionary authority to direct a sale where a partition cannot reasonably be made and a sale would, in the opinion of the Court, be more beneficial for the parties. But, having regard to the strong attachment of the people of this country to their landed possessions, it is proposed to make the consent of parties interested at least to the extent of a moiety in the property a condition precedent to the exercise by the Court of this new power. In order at the same time to prevent any oppressive exercise of this privilege, it is proposed to give such of the shareholders as do not desire a sale the right to buy the others out at a valuation to be determined by the Court. The power, moreover, which it is proposed to give to the Court will be a discre-

tionary one to be exercised on a consideration of all the circumstances of the case. It should be added that, where the Court is obliged to direct a sale, a right of pre-emption is given by the Bill to the parties similar to that conferred on shareholders by section 310 of the Code of Civil Procedure.

3. It is also proposed in the Bill to give the Court the power of compelling a stranger, who has acquired by purchase a share in a family dwelling-house when he seeks for a partition, to sell his share to the members of the family who are the owners of the rest of the house at a valuation to be determined by the Court. This provision is only an extension of the privilege given to such shareholders by section 44, paragraph 2, of the Transfer of Property Act, and is an application of a well known rule which obtains among Muhammadans everywhere and by custom also among Hindus in some parts of the country.

4. The other sections of the Bill only deal with matters of procedure and do not call for any detailed notice.

RASHBEHARY GHOSE.

The 23rd March, 1892.

S. HARVEY JAMES,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, OCTOBER 20, 1892.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 13th October 1892:

NO. 11 OF 1892.

A Bill to legalise in certain cases the execution within British India of capital sentences which have been passed by British Courts exercising in or with respect to foreign territory jurisdiction which the Governor General in Council has in such territory.

WHEREAS a capital sentence is occasionally passed by a British Court exercising in or with respect to foreign territory jurisdiction which the Governor General in Council has in such territory;

And whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death or no suitable appliances for his execution in a decent and humane manner;

It is hereby enacted as follows:—

Execution in British India of certain capital sentences not ordinarily executable there.

1. (1) When a person sentenced to death by a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this Act is to be executed, and, in the opinion of the Court, should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, the Court shall issue its warrant for his execution to the superintendent or keeper of a jail in British India, and shall in such warrant prescribe, as nearly as may be, the place in British India where such superintendent or keeper is to cause the execution to be carried out.

(2) The jail in British India to which the Court is to send its warrant shall be such as the Governor General in Council, or a Local Government authorised by him in this behalf, may by general or special order direct.

STATEMENT OF OBJECTS AND REASONS.

THE passing of an enactment in the sense of this Bill has been recommended by the Governor of Bombay in Council in whom the political control of the Kattiawar and other States is vested. The States in Kattiawar alone are between four and five hundred in number, and most of them are very small, their jurisdiction extending in many cases to one or two villages only, and in some cases to a fraction of a village.

Criminal jurisdiction in serious cases is exercised with respect to most of these States by Courts presided over by British Political Officers, and cases occasionally occur in which for one or other, or both, of the reasons set forth in the preamble to the Bill it is expedient that sentences should be carried into effect in British India. In the case of sentences of imprisonment this is already provided for by law, but no provision of the like nature has hitherto been made for sentences of death, and the present Bill meets this defect with regard to a carefully limited class of such sentences.

The 8th October, 1892. ALEX. EDW. MILLER.

S. HARVEY JAMES,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

MILITARY DEPARTMENT.

THE CANTONMENT CODE, 1892.

MEMORANDUM.

(ANNEXURE TO THE REVISED DRAFT OF THE CANTONMENT CODE, 1892.)

1. This Code, framed under the Cantonments Act (XIII of 1889), provides for matters coming under one or other of the following heads:

(1) Matters hitherto provided for by rules framed under Act XXII of 1864* (for Bengal), Bombay Act III of 1867 (for Bombay), and Madras Act I of 1866 (for Madras): all such rules [except as noted in clause (3) below] had of course the full force of law.

(2) Matters hitherto provided for by the three Codes of so-called "Military Regulations."† These Codes are by no means to be confounded with mere army orders; they contained all such regulations of the Governor-General in Council as related to military subjects, including as one of those subjects the management of lands held by Government for military purposes. A good deal of misapprehension has existed regarding these "Regulations," some of which were promulgated as long ago as A. D. 1770, and some of which have legal force while others have not. Such as consist of extracts from Bengal, Madras, and Bombay Regulations passed by the

* Re-enacted by Act III of 1880.

† Re-published as the "Army Regulations, India," in 1887.

Legislature before 1834 have, of course, the force of law, and others have legal force in individual cases wherever they have been incorporated expressly or by implication into the terms of agreements under which grantees were permitted to occupy portions of the above-mentioned lands. Such regulations, however, as do not come into either of the above categories are simply executive orders of Government binding only on persons in the service of Government.

(3) Matters hitherto provided for in a rule incorporated with those referred to in clause (1), but which rule was for some reason *ultra vires* either owing to its subject being one for which the Act had given no power to make a rule, or owing to the rule in question never having been formally made applicable to the particular cantonment concerned.

(4) Matters not hitherto provided for at all. Almost all these are matters regarding which rules have long been needed, and for the majority of which provision has long ago been made in municipalities.

The principal changes made either by the Code itself or by the Act under which it is framed are noted in the following paragraphs.

2. The Code will be applicable to all India instead of there being, as hitherto, a separate set of rules in each Presidency. Chapter I.

3. The Cantonment Committee is no longer a merely consultative body—"the council of the Commanding Officer." It is now by the Cantonments Act, 1889, itself the local authority. At the same time there is no reason to suppose that it was the intention of the Legislature to abandon the power to hold the Commanding Officer of a cantonment responsible to Government as the executive head of affairs for any mismanagement in those affairs; it appears to us essential to maintain this long-standing principle, and that clause (4) of section 26 of the Act gives full power to do so. The Code, therefore, provides that while the Commanding Officer will ordinarily act simply as the President of the Committee, he will still have the power on an emergency to act independently of them, provided that all such independent action is both in accordance with the law and is at once reported for the confirmation or otherwise of the Commander-in-Chief. Having this power (however rare may be its exercise), the Commanding Officer of a cantonment can still be held responsible as heretofore. Considerable executive powers are also throughout the Code vested in the President of the Committee. Chapter II.

4. The General Officer Commanding the district will no longer be President of the Cantonment Committee of the head-quarter station of his district. Throughout the Code it is constantly necessary to provide a referee, confirming authority, or authority to hear appeals from the orders of the Cantonment Authority* other than the Commander-in-Chief. The Officer Commanding the district is the only proper person who could be designated, and his being himself President would make this impossible. The Deputy Surgeon General is also no longer a member of the Cantonment Committee of the head-quarter station of the district. Chapter II.

5. The powers of the Commanding Officer of a cantonment where there is no Cantonment Committee have hitherto been somewhat ill-defined. It is now provided that such a Commanding Officer will have the same powers as a Cantonment Committee, but subject to the proviso that the Local Government may, on the recommendation of the Commander-in-Chief, modify this arrangement in any way thought desirable. Chapter II.

6. In the constitution of the Cantonment Committee, it appears desirable that all Commanding Officers should be members of the Committee, more especially in view of the altered character of that body. The only other change of Chapter II.

* "Cantonment Authority" means the Cantonment Committee or the Commanding Officer of the Cantonment, according as the cantonment is one where there is or is not a Cantonment Committee.

importance is the enabling the District Magistrate when absent from the cantonment to depute a (European) Magistrate of the 1st class to represent him.

As it may occasionally be desired to add to the Committee other officers of Government, or house-owners, or other persons, the Code enables the Commander-in-Chief to do this either permanently or temporarily.

Chapter II. 7. As regards the Cantonment Magistrate, there will no longer be in the smaller cantonments officers with powers merely "to try breaches of Cantonment rules." There must now, by section 5 of the Act, be in every cantonment (however small) outside the Presidency towns an officer appointed as the Cantonment Magistrate. The Code, therefore, proceeds on this basis. As regards the position of the Cantonment Magistrate, the Code aims at maintaining this entirely unchanged; in all executive matters he will be simply the secretary and agent of the Cantonment Authority, acting under its full control; in judicial matters his position is regulated by the Code of Criminal Procedure and other Acts of the Legislature, and is unaffected by this Code.

Chapter III. 8. Regarding control over Cantonment Committees, it is evident (in view of the very important interests of Government involved, of the constant change in the *personnel* of those Committees, and of the impossibility of continuity in their proceedings) that it is most essential, no less on behalf of the welfare of the whole community than of the interests of Government, that there should be a firm central control over their proceedings. This control is vested as heretofore in the Commander-in-Chief, who (acting as the agent and representative of the Governor-General in Council) is given power to require a Cantonment Committee to take any measures which may at any time be considered by the Commander-in-Chief or the Government necessary to the proper administration of the cantonment. Minor powers of control are also given to Officers Commanding districts, with the proviso that any exercise of such powers is to be reported at once to the Commander-in-Chief for confirmation or otherwise.

Chapter VI. 9. In the rules which deal with the management of the Cantonment Fund, the main desideratum appears to be to more carefully define (1) the procedure to be observed, and (2) the objects on which the funds may lawfully be expended, while at the same time strictly to avoid introducing any radical changes, as the existing procedure works well and there appear to be various grave disadvantages in allowing it to be in any way disturbed.

The rules on this subject have therefore been drawn up on this principle. While the matters in question have been carefully defined and set in suitable legal language, the existing procedure has been kept unchanged; the objects on which expenditure may take place are kept the same as at present; the sums which shall form the income are kept the same as at present; and the sanctioning authority for all expenditure is kept the same as at present, *viz.*, the Commander-in-Chief.

Chapter VI. 10. Regarding the amount of freedom to be given to Cantonment Committees over expenditure in cantonments, the Code gives a wide latitude in procedure. Where a cantonment is well provided with all sanitary requirements, and has an ample income to meet such requirements, it will be possible to make the control exercised over expenditure little more than nominal; where, on the other hand, a cantonment is ill-provided with sanitary appliances, and has so limited an income that it either is, or is in chronic danger of being, State-aided, there the strictest control can be exercised (in the interests of all concerned) over every item of expenditure however small.

Chapter VI. 11. As a code of law does not seem an appropriate place for a set of financial rules, especially as the latter at times require modification, when a very cumbrous procedure would be entailed, we have thought it best to leave all the financial rules which Cantonment Committees must observe to be drawn up (as now) by the Comptroller General, who will in doing so of course be guided by the views of Local Governments. It is necessary that all such rules, or modifications thereof, should receive the concurrence of the Commander-in-Chief *in*

India, as otherwise modifications pressed for in one part of India might take place which would be very unsuitable in another part of India, while it is absolutely necessary that, just as there is only one Code, there should be only one set of financial rules for all cantonments wherever situated. The inconveniences of allowing local alterations in such rules are a matter of practical experience, that arrangement having been tried some years ago, and we therefore consider that the course adopted by us is the only one which promises to be satisfactory. The delegation to the Comptroller-General of the power to make such rules appears in the circumstances to be unobjectionable.

12. In the five important chapters which deal with house property in cantonments the aim of the rules is— Chapters VIII to XII.

(i) To prevent the granting by any officer, or authority, of permission to occupy land belonging to the Government, except in the regular manner, the latter involving, in the submission of applications for a grant, the preparation of plans and compliance with various formalities.

(ii) To prevent the occupation by any person of such land until he has duly subscribed to the conditions on which alone Government permits its land to be occupied, by the execution of an agreement (or in some cases the taking of a license) in which those conditions are detailed.

(iii) To prevent the alienation of the land, owing to the loss of such documents, by carefully detailed rules regarding their registration, and by the deposit of duplicate and triplicate copies in charge of different authorities.

(iv) To carefully define the manner in which the priority of right to rent houses [which is one of the "conditions" noted in clause (ii) above] shall be exercised, with a due regard to the interests of the grantee, of the officer, and of the Government.

(v) To provide carefully detailed rules on the subject of rents and repairs which shall be fair to both landlords and tenants, and which, while recognising that the tenant is in this case an officer of Government, and therefore placed under restrictions as to residence such as do not apply in the case of private persons, shall also carefully safeguard and protect the interests of the landlord, and prevent his being put to loss owing to unfair treatment on the part of such officers as tenants.

(vi) To provide carefully detailed rules for arbitration in all disputed cases arising on the subjects referred to in clause (v).

(vii) To obviate the inconvenience of having absentee owners, by a few simple rules as regards estate agency.

In dealing with the subjects mentioned in clauses (v) and (vi), the principal provisions of sections 23, 24, 25 and 27 of the Cantonments Bill of 1888 have been incorporated in Chapters IX and X.

In the present state of the law the provisions of Chapters VIII, IX and X on the above subjects will only be applicable (except as noted in the next paragraph) to grants made after the issue of this Code. This will no doubt make a very undesirable complication in this already difficult and complicated question, but it is at present unavoidable pending a further Act of the Legislature authorising the making of rules as to conditions of occupancy applicable to all grants of whatever date.

Present grantees will have the option of applying to place their grants under the provisions of the Code, by doing which they will obtain certain tangible advantages in regard to protection from unfair and arbitrary treatment by their tenants, and in regard to a more satisfactory procedure where disputes arise on the subject of rent or repairs.

Chapters XIII to XXII.

13. In the ten chapters which refer to subjects affecting the public health, the Code aims at giving to the Cantonment Authority the widest possible powers allowed by the law, over all those matters in which a strict control is now becoming recognised as of such exceptional importance in India from a sanitary point of view. The requirements of sanitary science are every year becoming greater as that science progresses, and, it being necessary that legislation should advance *pari passu* therewith, each new Code which may deal with sanitation should show an advance in this respect over those which have preceded it, especially in view of the position to which legislation on this subject has now advanced in England. It is, therefore, to be regretted that the section of the Cantonments Act, 1889, under which the rules are made (section 26) is of such very meagre scope in its sanitary aspect; and though this want may be partially remedied by a liberal use, under the authority of section 25 of the Act, of municipal enactments, still it is evident, for the reasons just noted, that such enactments cannot fail to fall short of what is required, and that a municipal enactment of, for instance, 1881 cannot meet the sanitary needs current in 1891, much less those which will be current by 1901. All, however, that could be done in this respect has been done, both by rules framed under section 26 of the Act and by a liberal use of all such municipal enactments as were suitable, and in particular of the Central Provinces Municipal Act (XVIII of 1889), which, by its more extended scope and breadth of treatment, much more nearly approaches the requirements of the case than any other Municipal Act, and has been invaluable. While, therefore, the advance may not be all that sanitary authorities would have desired, it is still considerable, and a comparison of the provisions of Chapters XIII to XXII of the present Code with those contained in Chapters III and IV of the Rules under Act XXII of 1864 will give some idea of the advance made.

As regards the Sanitary Officer, the Code recognizes that the main sanitary need of the day in India, next after a stringent control over the preparation and sale of articles of food and drink, is a Sanitary Officer for each cantonment without any other duties. It proceeds on the assumption that such an officer will be appointed, and defines his duties and responsibilities. As, however, it is necessary to provide for the existing state of things also, it is ruled that, pending such special appointment, the Sanitary Officer of a cantonment means the senior executive medical officer present. The Sanitary Officer is given in Chapter XIII complete supervision over every sanitary matter within the cantonment, together with full powers for bringing to the notice of superior authority any recommendation which he may make and which does not receive due attention.

14. As regards the much needed rules for exercising a strict control over the preparation and sale of articles of food and drink, which are the first sanitary requirement of the day in India, section 26 of the Act gives no direct power to make such rules; but to meet this we have in Chapter XVIII taken advantage of the recently passed Punjab Municipal Act (XX of 1891), section 137 of which contains such a power, and this will enable Cantonment Authorities to make rules for this purpose. But in adopting a municipal enactment like this, we have considered ourselves bound to adopt its restricting proviso also, to the effect that the section must be specially extended to each cantonment by the Local Government concerned. As, however, we are aware of the great inconveniences suffered in the past by cantonment rules having the force of law in one place and not in another by reason of requiring such special extension, and as the universal need of such rules as above referred to in every cantonment is undoubted, we desire to note here that we have included this proviso in the hope that all Local Governments will extend the section in question to all cantonments within their jurisdiction.

Chapters XXIII to XXXIV.

15. In the twelve chapters which deal with matters affecting the public safety and convenience the provisions of the Code are practically a selection from all the most suitable enactments of the principal municipalities. They are thus very comprehensive, and this is desirable seeing that the Code is intended to apply throughout the whole of India. Here again a comparison with Chapters

III and IV of the Rules under Act XXII of 1864 will show the extent of the advance made. By the almost entire use for this purpose of municipal enactments, rather than of rules made under the Cantonments Act, 1889, it is ensured that the provisions are those to which all dwellers in towns are already accustomed. The various subjects dealt with are sufficiently indicated by the headings of the chapters, which will be found detailed in the list entitled " Abstract of contents." A few of these chapters have only a partial application, not being applicable in provinces where Acts of the Legislature on the same subjects are, or may be brought, in force.

16. The remaining four chapters (containing supplemental provisions) call for no special remarks. Chapters XXXV to XXXVIII.

17. Any section of the Code (except such as are made under clauses (1) to (11) of section 26 of the Cantonments Act, 1889) can be extended to any reasonable distance in the vicinity of the cantonment. The procedure is an application through the Commander-in-Chief to the Local Government, which has power, under section 28 of the Act, to make such extension.

18. Each chapter is provided with a foot-note showing in outline its scope.

19. The authority for each section is noted in the margin in brackets.

GEORGE F. YOUNG, *Lieut.-Colonel,*
Assistant Quartermaster-General.

F. G. WIGLEY,
Personal Assistant to the Secretary to the Government of India, Legislative Department.

H. B. SANDERSON, *Colonel,*
Judge Advocate-General in India,
(Attending Committee).

SIMLA,
The 12th November 1891.

THE CANTONMENT CODE, 1892.

ABSTRACT OF CONTENTS.

SCHEDULES.

THE CANTONMENT CODE, 1892.

CONTENTS.

PART I.

CHAPTER I.

PRELIMINARY.

SECTIONS.

PART II.
GENERAL ADMINISTRATION.

CHAPTER II.

THE CANTONMENT AUTHORITY AND THE CANTONMENT MAGISTRATE.

Cantonment Committees.

SECTIONS.

The Commanding Officer as Cantonment Authority.

The Cantonment Magistrate.

CHAPTER III.

CONTROL OVER CANTONMENT AUTHORITIES.

CHAPTER IV.

CANTONMENT SERVANTS.

SECTIONS.

CHAPTER V.

PRIVILEGES AND LIABILITIES OF MEMBERS OF CANTONMENT COMMITTEES AND OTHERS.

CHAPTER VI.

THE CANTONMENT FUND.

Income.

Application of the Fund.

Budget Estimates and Authority for payments.

Investment of Balance.

Accounts.

CHAPTER VII.

CONTRACTS.

SECTIONS.

Procedure as to Tenders and Auctions.

PART III.

OCCUPATION OF LAND.

CHAPTER VIII.

APPLICATIONS TO HOLD LAND.

Applications for building-sites.

Applications in respect of land granted before the commencement of this Code.

CHAPTER IX.

CONDITIONS OF OCCUPANCY.

Conditions applicable in case of building-sites (outside bazars) granted after the commencement of this Code.

SECTIONS.

SECTIONS.

CHAPTER X.

COMMITTEES OF ARBITRATION.

CHAPTER XI.

ESTATE AGENCY.

CHAPTER XII.

REGISTRATION OF IMMOVEABLE PROPERTY.

Plans.

PART IV.

THE PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER XIII.

SANITARY SUPERVISION.

SECTIONS.

SECTIONS.

SECTIONS.

CHAPTER XXIV.

FAIRS.

CHAPTER XXV.

EXTINCTION AND PREVENTION OF FIRES.

SECTIONS.

CHAPTER XXVI.

STREETS AND PUBLIC PLACES.

CHAPTER XXVII.

FURTHER PROVISIONS RELATING TO BUILDINGS AND LANDS.

---

* These forms will be prepared hereafter.

[*N.B.*—The notes in square brackets in the margin will remain there when this Code is published as law—see section 4 (2) of the Code. The numbers and years of Acts which are noted in the margin without brackets (see, *e.g.*, section 3 (*a*) of the Code) will also remain.

The figures in circular brackets in the margin are references to Major Temple's draft Code, and the notes in circular brackets in the margin (see, *e.g.*, section 5, clause (6), of the Code) are references to enactments on which sections are based, but which are not relied upon as authorities for the sections. All these references will be removed when the Code is published as law.

The footnotes to the chapters are inserted for convenience in studying the draft, and will be removed when the Code is published as law.]

THE CANTONMENT CODE, 1892.

PART I.

CHAPTER I.([a])

PRELIMINARY.

[*Clause* (*31*).] (*1*.)

Title and commencement.

1. (*1*) This Code may be called the Cantonment Code, 1892; and

(*2*) It shall come into force on the first day of———, 1892.

[*Clause* (*31*).] (2, 915.)

Extent.

2. Except as provided in sections 300, 378, 484 and 527, and except as the Governor General in Council may hereafter otherwise direct, this Code shall apply to all cantonments in British India.

[*Clause* (*31*).]

Repeal of prior rules and regulations.

3. The following rules and regulations are hereby cancelled, namely:—

(*a*) all rules and regulations made under any enactment repealed by the Cantonments Act, 1889, or under any enactment repealed by any enactment repealed by that Act, in so far as they (*i*) *are covered by, or are inconsistent with, this Code and* (*ii*) apply to any cantonment in British India *in which the corresponding portions of this Code are for the time being in force*, and

XIII of 1889.

(*b*) the rules published under notification of the Government of India in the Military Department No. 617, dated the 4th July, 1890, in so far as they apply to any cantonment in British India.

[*Clause* (*31*).] (5, 7, 8.)

Authority for the Code.

4. (*1*) This Code consists of enactments extended under the authority of section 25 of the Cantonments Act, 1889, with such restrictions and modifications as the Governor General in Council has thought fit to make, and rules made under the authority of section 26, read with section 27, sub-section (*4*), of the same Act.

XIII of 1889.

([a]) This chapter shows the local extent of the Code and the authority on which it is based, repeals prior rules and regulations, and contains definitions of general application. Definitions required for the purposes of one chapter alone are inserted in that chapter.

(*2*) Where a section, or part of a section, consists of an enactment extended as aforesaid, the enactment is noted in brackets* in the margin of the section, and

where a section, or part of a section, consists of a rule made as aforesaid, the clause of section 26 of the Cantonments Act, 1889, under which the rule is made is noted in brackets* in the margin of the section.

Definitions.

5. In this Code, unless there is something repugnant in the subject or context,— (3, 4)

(*1*) "Commander-in-Chief" means, as regards cantonments in the Bengal Command, the Commander-in-Chief of the Forces in India; as regards cantonments in the Madras Command, the Commander-in-Chief in Madras, and as regards cantonments in the Bombay Command, the Commander-in-Chief in Bombay; [*Clause* (*31*).] (12.)

(*2*) "Sanitary Officer" means, where no Sanitary Officer has been specially appointed, the senior executive medical officer in military employ present on duty in the cantonment; [*Clause* (*31*).] (15.)

(*3*) "Executive Engineer" means the Engineer Officer of any circle, division or district having charge of the military works in a cantonment; [*Clause* (*31*).]

(*4*) "officer in immediate executive engineering charge of the cantonment" means the officer having charge of the military works in the absence of the Executive Engineer; [*Clause* (*31*).]

(*5*) "Government security" includes promissory notes, debentures, stock-certificates and all other securities issued by the Government of India or by any Local Government in respect of any loan contracted by it; [*Clause* (*31*).] (27.) (*See Act XIII of 1886, s.* (*1*).)

(*6*) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway; [*Act XVIII of 1889, s. 3* (*3*).] (43.)

(*7*) "bazar" means any land which has been specially demarcated for occupation by natives, except the lines of native troops; [*Clause* (*31*).]

(*8*) "grantee" means a person who has been granted permission, whether before or after the commencement of this Code, to occupy land belonging to the Government in a cantonment for the purposes of a building-site; and includes the successors in interest of a grantee; [*Clause* (*31*).] (31.)

(*9*) "military officer" means a commissioned or warrant officer of the army on military duty in a cantonment, and includes any European or Eurasian in Army departmental employment whom the Commander-in-Chief may for the purposes of Chapter IX place on the same footing as a military officer; [*Clause* (*3*).] (18.)

(*10*) "civil officer" means an European or Eurasian civil officer of the Government, and includes any other European or Eurasian, not being a military officer, whom the Local Government may for the purposes of Chapter IX place on the same footing as a civil officer; [*Clause* (*3*).] (19.)

(*11*) "drain" includes a sewer, pipe, ditch, channel and any other device for carrying off, [*Bombay Act III of 1888, s. 3* (*w*).] (45.)

* *i.e.*, square brackets.

along the surface or otherwise, sewage, polluted water, rain-water or sub-soil water;

[*Bengal Act III of 1884, s. 6(10).*] (51, 52.) (*12*) "offensive matter" includes kitchen refuse, dung, putrid and putrefying substances and filth of any other kind;

[*Bengal Act III of 1884, s. 6(14).*] (53.) (*13*) "rubbish" includes dust, dirt, bones, ashes, mortar, broken bricks, broken tiles, broken glass, broken pottery, stable and garden refuse, and refuse of any other kind not included in "offensive matter";

[*Clause (17).*] (57, 58.) (*14*) "public market" means a market maintained by the Cantonment Authority, and "private market" means a market maintained by a private person;

[*Bengal Act II of 1888, s. 3.*] (59.) (*15*) "slaughter-house" means any place used for the slaughter of cattle, sheep, goats, kids or pigs for the purpose of selling the flesh thereof as meat;

[*Clause (17).*] (60, 61.) (*16*) "public slaughter-house" means a slaughter-house maintained by the Cantonment Authority, and "private slaughter-house" means a slaughter-house maintained by a private person;

[*Bengal Act V of 1880, s. 2.*] (16.) (*17*) "medical practitioner" means any person duly qualified by diploma, degree or license to practise medicine or surgery;

[*Clause (31).*] (*18*) "vehicle" includes a hack-cart, palankin, palki, doolie, jhampan, dandi, jinrikshaw and bath-chair;

[*Clause (21).*] (66.) (*19*) "public conveyance" includes a hackney-carriage, a hack-cart and any other vehicle kept, offered or plying for hire, whether drawn by an animal or drawn, propelled or carried by men, but does not include a conveyance maintained by the Cantonment Authority under section 333 for the free carriage of infected persons or corpses or the free transport of infected articles;

[*Act XIV of 1879, s. 2.*] (65.) (*20*) "hack-cart" means any wheeled vehicle drawn by animals and used for the conveyance of goods, which is kept or offered or plies for hire;

[*Clause(21).*] (69.) (*See 53 & 54 Vict., c. 34, s. 2.*) (*21*) "dairy" includes any farm, shed, milk-store, milk-shop or other place from which milk is supplied, or in which milk is kept for purposes of sale;

[*Clause (21).*] (68, 70.) (*See 53 & 54 Vict., c. 34, s. 2.*) (*22*) "dairyman" includes the keeper of any cow, buffalo, goat, ass or other quadruped the milk of which is used for human consumption, any purveyor of milk and any occupier of a dairy;

[*Clause (17).*] (54.) (*23*) "sarai" means any building used for the accommodation of native travellers, and includes a choltri, zayát, dharamsála or other lodging-house or boarding-house for natives, and, where only part of a building is used as a sarai, the part so used;

[*Clause (17).*] (55.) (*24*) "keeper of a sarai" includes the owner of a sarai, any person having or acting in the care or management of a sarai, and the grantee of any land used as a sarai; and

[*Clause (15).*] (41.) (*25*) "fence" includes all necessary gates, and the posts or pillars thereof.

PART II.

GENERAL ADMINISTRATION.

CHAPTER II.[a]

THE CANTONMENT AUTHORITY AND THE CANTONMENT MAGISTRATE.

Cantonment Committees.

Discharge of functions of Cantonment Authority by Cantonment Committee.

6. In every cantonment in which there is a Cantonment Committee, such Committee shall discharge the functions of the Cantonment Authority under this Code. [*Clause (4).*]

Constitution of Cantonment Committee.

7. (*1*) The following persons shall be members of every Cantonment Committee *ex-officio*, namely:— [*Clause (4).*] (75—82.)

the Commanding Officer of the cantonment, or, where the cantonment is the head-quarters station of a district, the officer who succeeds, or would succeed, to the command of the station during any temporary absence of the Officer Commanding the district,

the Officer Commanding the Royal Artillery (if any) in the cantonment, and the Commanding Officer of each regiment or battalion forming part of the ordinary garrison of the cantonment,

the Sanitary Officer,

the Executive Engineer, or, when he is absent from the station, the officer in immediate executive engineering charge of the cantonment, if appointed in Station Orders to act in his stead,

the District Magistrate or, when he is absent from the station, a Magistrate of the first class, being a Justice of the Peace, appointed by the District Magistrate to act in his stead,

the Civil Surgeon of the district, and

the Cantonment Magistrate.

(*2*) The Commander-in-Chief may at any time appoint any other person by name or by office to be a member of any Cantonment Committee, and may revoke any such appointment.

---

[a] The changes made in the constitution of the Cantonment Committee are noted in the memorandum attached to the Code.

Rules for meetings of Cantonment Committees are provided in some detail in view of the more important status of these bodies, and also of the fact that in the future there may often be non-official members.

The fullest powers of control are given to the President.

Owing to the great variety of conditions under which small cantonments exist, it has been thought the best arrangement as regards the powers of the Commanding Officer of a cantonment where there is no Cantonment Committee, to give the Local Government power (on the recommendation of the Commander-in-Chief) to modify the powers of the Commanding Officer as Cantonment Authority according as it may think fit, and to whatever extent it may see fit.

To the Cantonment Magistrate as secretary to the Cantonment Committee are left all executive matters, but he is to act solely as the agent and representative of the Committee, and is to be fully controlled by them. This control is to be exercised on behalf of the Committee by the president, or; in a cantonment where there is no Committee, by the Commanding Officer.

[*Clause* (*4*).] (78—83.)

President and secretary.

8. (*1*) The Commanding Officer of the cantonment, or, where the cantonment is the head-quarters station of a district, the officer who succeeds, or would, succeed to the command of the station during any temporary absence of the Officer Commanding the district, shall be president of the Committee.

(*2*) If when any meeting is held the president is absent, the next senior combatant officer present at the meeting shall preside.

(*3*) The Cantonment Magistrate shall be secretary of the Committee *ex-officio*.

[*Clause* (*4*).] (96—99.)

Holding of meetings.

9. (*1*) Every Cantonment Committee shall meet for the transaction of business at least once in every month on such day and at such place as may be notified in Station Orders. Meetings held under this sub-section shall be called ordinary meetings.

(*2*) The president may call a special meeting whenever he thinks fit.

(*3*) The president may adjourn any meeting from time to time.

[*Clause* (*4*).] (101, 102.)

Notice of meetings.

10. (*1*) The Cantonment Magistrate shall give three clear days' notice of every meeting and adjourned meeting, unless the president for sufficient reason directs a meeting or adjourned meeting to be held at shorter notice:

Provided that every member present in the cantonment shall have a reasonable opportunity of being served with the notice.

(*2*) Every notice shall specify the time and place at which the meeting is to be held, and shall be accompanied by an *agenda* paper specifying the business to be transacted at the meeting.

[*Clause* (*4*).] (103.)

Quorum.

11. No business shall be transacted at a meeting unless three members are present.

[*Act XVIII of 1889, s. 16.*] (121.)

Minutes of the proceedings.

12. Minutes of the proceedings at each meeting shall be recorded in a book to be kept for the purpose, shall be signed by the president of the meeting or of the next ensuing meeting, and shall at all reasonable times and without charge be open to the inspection of any inhabitant of the cantonment.

[*Clause* (*4*).] (100.)

Meetings to be public.

13. Every meeting shall be open to the public unless the president, for a reason to be recorded in the minutes, orders otherwise.

[*Clause* (*4*).] (98 (*2*), 99, 104—112.)

Business at meetings.

14. (*1*) If any business is brought forward at a meeting which—

(*a*) was not specified in the notice of the meeting, or

(*b*) does not directly relate to a report made by a Sub-committee or by a member of the Cantonment Committee appointed in that behalf,

it shall, on the requisition of any three members present, be postponed to a future meeting:

Provided that the president shall not be required to postpone the consideration of any business more than once.

(*2*) All business relative to the imposition, abolition or modification of taxes must be transacted at a special meeting.

(*3*) The president may, for any reason to be recorded in the minutes, refuse to permit any motion or amendment of a motion to be discussed.

(*4*) The president shall preserve order at meetings, and his decision on any point connected with the conduct of business at a meeting shall, subject to the provisions of Chapter XXXVI, be final.

[*Clause* (*4*).] (113, 114.)

Decision by majority of votes.

15. (*1*) Except as provided in section 17, all questions coming before a meeting shall be determined by a majority of the votes of the members present and voting on the matter to be decided.

(*2*) In case of an equality of votes the president shall have a second or casting vote.

Explanation.—This section excludes voting by proxy. (103.)

[*Clause* (*4*).] (115.)

Record of decisions and dissents.

16. (*1*) A declaration by the president that a motion or amendment has been carried, and an entry to that effect in the minutes, shall be conclusive proof of the fact without proof of the number of votes given for or against the motion or amendment.

(*2*) The dissent of any member from any decision of the Committee, together with the grounds thereof, shall, if the member so requests, be entered by the secretary in the minutes.

[*Clause* (*4*).]

Exceptional powers of president.

17. (*1*) The president may place his veto upon any decision of the Committee.

(*2*) If the president considers that any measure which the Committee is empowered to adopt, and to which a majority of the Committee do not agree, is of essential importance to the public health, safety or convenience,

and if he is of opinion that the matter is of such urgency that delay would be seriously prejudicial to the public interests,

he may order the measure to be adopted.

(*3*) Any order made by the president under sub-section (*2*) shall have the same effect as an order of the Committee.

(*4*) Every order made under sub-section (*1*) or sub-section (*2*) shall be entered, with the reasons for making it, in the minutes, and a copy of the entry shall forthwith be submitted to the Commander-in-Chief, who may thereupon rescind the order, or direct that it shall continue in force, with or without modification, as he thinks fit.

[*Act XVIII of 1889, s. 19.*] (92.)

Executive Sub-committees.

18. (*1*) With the previous sanction of the Commander-in-Chief, a Cantonment Committee may, by order, appoint any two or more of its members to be a Sub-committee for the purpose of discharging or performing such of the functions or duties of the Committee as are specified in the order, and may delegate to the Sub-committee all or any of the powers of the Committee to be exercised for the purpose so specified.

(*2*) Sub-committees appointed under this section shall be called "Executive Sub-committees."

(*3*) Unless the president otherwise directs, the Cantonment Magistrate shall be secretary and member of every Executive Sub-committee.

[*Bombay Act III of 1888, s. 38, and Act XVIII of 1889, s. 19.*] (93.)

Consultative Sub-committees.

19. (*1*) A Cantonment Committee may appoint out of its own body such and so many Sub-committees, consisting of such number of persons, and may refer to those Sub-committees for enquiry and report or for opinion such special subjects relating to the purposes of this Code, as it thinks fit; and may delegate to any such Sub-committee all or any of the powers of the Committee to be exercised for the purposes for which the Sub-committee is appointed.

(*2*) Sub-committees appointed under this section shall be called "Consultative Sub-committees."

(*3*) Nothing in this section shall prevent a Cantonment Committee from referring to any particular member of the Committee any special subject as aforesaid for enquiry, report or opinion, and delegating to him all or any of its powers for the purpose.

[*Clause (4).*] (116, 199 (*2*).)

Proceedings of Sub-committees.

20. The proceedings of every Sub-committee shall be conducted, so far as practicable, in the manner hereinbefore prescribed for the conduct of the proceedings of a Cantonment Committee:

Provided that the quorum necessary for the transaction of the business of a Sub-committee shall be two:

Provided also that the report of a Consultative Sub-committee shall be a sufficient record of the minutes of its proceedings.

[*Act XVIII of 1889, s. 18.*] (94.)

Joint Committees and their proceedings.

21. (*1*) With the previous sanction of the Commander-in-Chief, a Cantonment Committee may concur with any other local authority or authorities in appointing out of their respective bodies a Joint Committee for any purpose in which they are jointly interested, and in appointing a president of such Joint Committee, and in delegating to any such Joint Committee any power which might be exercised by either or any of the authorities, and in framing and modifying rules as to the proceedings of any such Joint Committee, and as to the conduct of correspondence relating to the purpose for which such Joint Committee is appointed.

(*2*) If any difference of opinion arises between authorities acting under this section, the decision thereon of the Commander-in-Chief, if all the authorities are Cantonment Authorities, or, subject to the provisions of any enactment for the time being in force, of the Local Government in any other case shall be final.

[*Act XVIII of 1889, s. 128.*] (128, 129.)

Cessation of the existence of Cantonment Committee.

22. If at any time it appears to the Local Government that the continuance of a Cantonment Committee in any cantonment is not necessary, it may, by order published in the official Gazette, declare that the Committee shall cease to exist.

The Commanding Officer as Cantonment Authority.

Discharge of functions of Cantonment Authority by Commanding Officer.

23. In every cantonment in which a Cantonment Committee does not exist or cannot be convened, the Commanding Officer of the cantonment, subject to any notification issued by the Local Government under section 24, [*Clause (5).*] (197, 198, 199 (1), 200.

shall discharge the functions of the Cantonment Authority under this Code, and

may exercise any of the powers of a Cantonment Committee under sections 18, 19 and 21 in reference to the appointment of Sub-committees and Joint Committees, and the power of a president of a Cantonment Committee under section 18, sub-section (*3*):

Provided as follows:

the persons appointed by the Commanding Officer to be members of any Sub-Committee or Joint Committee may be any officers under his command, or any other persons (whether in the service of the Government or not) who are willing to serve voluntarily, and

the Commanding Officer may himself be president or member of any Joint Committee.

Power to limit or extend powers of Commanding Officer.

24. (*1*) The Local Government may, on the recommendation of the Commander-in-Chief, by notification in the official Gazette, direct, in respect of any cantonment in which a Cantonment Committee does not exist or cannot be convened,— [*Clause (5).*] (197.)

(*a*) that any of the functions of the Cantonment Authority under this Code shall be in abeyance, or

(*b*) that any of the functions of the Cantonment Magistrate under this Code shall be discharged by the Commanding Officer of the cantonment.

(*2*) The Local Government may, on the recommendation of the Commander-in-Chief, by notification in the official Gazette, cancel or modify any notification issued under sub-section (*1*).

The Cantonment Magistrate.

Position of Cantonment Magistrate.

25. (*1*) The Cantonment Magistrate shall be the executive officer of the Cantonment Authority, and all orders of the Cantonment Authority shall be issued through him. [*Clause (6).*] (131, 133.)

(*2*) All executive acts which by this Code are directed or authorised to be done by the Cantonment Magistrate shall be done by him as the agent of the Cantonment Authority, and subject to the general control—

(*a*) where there is a Cantonment Committee, of the president, and

(*b*) where a Cantonment Committee does not exist or cannot be convened, of the Commanding Officer of the cantonment.

Discharge by Special Magistrate of functions of Cantonment Magistrate.

26. (*1*) Whenever a Special Magistrate has been appointed by the Local Government under section 12 of the Code of Criminal Procedure, 1882, for the purpose of exercising powers under that [*Clause (31).*] (11.) X of 1882.

Code in a cantonment, the Local Government may, by general or special order published in the official Gazette, authorise him to discharge any of the functions imposed by this Code on the Cantonment Magistrate, except those referred to in Chapters VIII to XII (both inclusive).

(*2*) When any Special Magistrate is so authorised, he shall discharge such of the said functions as the Cantonment Magistrate may assign to him, and in the discharge of those functions shall exercise the same powers as the Cantonment Magistrate.

(*3*) The Cantonment Magistrate may withdraw from such Special Magistrate any business pending before him under this Code.

CHAPTER III. ([a])

CONTROL OVER CANTONMENT AUTHORITIES.

[Clauses (4) and (31).]

Administrative control of Commander-in-Chief over Cantonment Authorities.

27. The administrative control of every cantonment is vested in the Commander-in-Chief, who may at any time require the Cantonment Authority to perform any duty, to provide for any purpose or to take any measures which he or the Governor General in Council considers necessary to the proper administration of the cantonment.

[Clauses (4) and (31).] (117.)

Plans, estimates, returns, statements, reports and correspondence.

28. Every Cantonment Authority shall act with regard to the following matters in accordance with any rules made, orders passed or forms framed for its guidance by the Commander-in-Chief, and not
XIII of 1889. being inconsistent with the Cantonments Act, 1889, or this Code, namely:—

(*a*) as to the preparation of plans and estimates for works which are to be constructed at the cost of the Cantonment Fund, and as to the authority by whom such plans are to be approved and such estimates are to be sanctioned respectively,

(*b*) as to returns, statements and reports to be submitted by the Cantonment Authority, and

(*c*) as to the intermediate office or offices, if any, through which correspondence between the Cantonment Authority and any other authority or officer is to pass:

Provided that all correspondence between a Cantonment Authority and a Local Government shall pass through the Commander-in-Chief.

[Act XVIII of 1889, s. 124.] (122.)

Power of Commander-in-Chief and Officer Commanding the district to call upon Cantonment Authorities and Joint Committees for information, and to record observations.

29. The Commander-in-Chief or the Officer Commanding the district may—

(*a*) by order in writing call for, and inspect, any book or document in the possession or under the control of any Cantonment Authority or any Joint Committee appointed under this Code,

(*b*) by order in writing require any such Authority or Committee to furnish such statements, accounts, reports and copies of documents relating to its proceedings or duties as he thinks fit to call for, and

(*c*) record in writing, for the guidance of any such Authority or Committee, any observations which he thinks proper in regard to its proceedings or duties.

Power of Commander-in-Chief to delegate his powers or functions.

30. The Commander-in-Chief may, by notification in Army Orders, delegate any of his powers or functions under this Code, except those conferred or imposed by Chapters II, III, IV, VI, VII, IX, XIV, XVI, XVII, XVIII, XXII, XXVII and XXXVI, to any Officer Commanding a district, and may, by a like notification, whenever he thinks fit, resume all or any of the powers or functions so delegated. *[Clause (31).]* (10.)

Powers of Officer Commanding the district if Cantonment Authority fails to perform duty.

31. (*1*) If at any time it appears to the Officer Commanding the district that any Cantonment Authority has failed to perform any duty imposed upon it by or under this Code, he may require the Cantonment Magistrate to perform the duty, and may direct that any expenses incurred in so performing it shall be paid by the Cantonment Authority out of the Cantonment Fund. *[Act XVIII of 1889, s. 127.]* (125, 126.)

(*2*) The Cantonment Magistrate shall, in the performance and for the purposes of such duty, have all the powers of the Cantonment Authority. *[Bengal Act II of 1888, s. 38.]*

Power of Officer Commanding the district to suspend action of Cantonment Authority or Joint Committee.

32. The Officer Commanding the district may, for any sufficient reason, by order in writing, suspend the execution of any resolution or order of any Cantonment Authority or any Joint Committee appointed under this Code, or prohibit the doing of any act which is about to be done or is being done in pursuance or under cover of this Code. *[Act XVIII of 1889, s. 125 (1).]* (123.)

Orders made under section 31 or section 32 to be forwarded to Commander-in-Chief.

33. Whenever an Officer Commanding a district makes an order under section 31 or section 32, he shall forthwith forward a copy of the order, with a statement of his reasons for making it, to the Commander-in-Chief, who may thereupon rescind the order, or direct that it shall continue in force, with or without modification, as he thinks fit. *[Act XVIII of 1889, s. 125 (2).]* (124, 127.)

CHAPTER IV. ([a])

CANTONMENT SERVANTS.

Number and salaries of cantonment servants.

34. (*1*) The number of servants to be employed by the Cantonment Authority, and the amount of their salaries, shall be fixed by the Cantonment Authority with the previous *[Clause (31).]* (134, 137, 145—147).

([a]) The powers of control given to the Commander-in-Chief and to the Officer Commanding the district are dealt with in the memorandum attached to the Code.

The Commander-in-Chief is empowered to delegate his powers (with certain exceptions) to the Officer Commanding the district.

([a]) Provision is made for the appointment of servants under regular rules for prohibiting their discharge without due reason, and for requiring security from those who have charge of money.

A share in contracts, previous dismissal from employment for misconduct, and undue nearness of relationship are made disqualifications for employment.

Temporary servants may be entertained by the Cantonment Authority, and their employment will no longer require the sanction of the Officer Commanding the district.

sanction of the Commander-in-Chief; and no alteration in the number of such servants or in their salaries shall be made without similar sanction:

(*2*) Provided that temporary servants may in cases of emergency be appointed without such sanction as aforesaid for any period not exceeded three months, if funds are available but no temporary servants shall, without the previous sanction of the Commander-in-Chief, be employed more than once on the same duties in the same year.

[*Clause* (*6*).] (134, 137, 145—147.)

Control of Cantonment Magistrate over cantonment servants.

35. All servants of the Cantonment Authority shall be appointed by the Cantonment Magistrate, and shall, except where a contrary intention appears in this Code, be exclusively under his orders; and it shall be his duty—

(*a*) to apportion and superintend the performance of the duties of such servants under this Code;

(*b*) to disburse the salaries of such servants; and

(*c*) to deal with applications from such servants for leave of absence.

[*Clause* (*31*).] (142—144.)

Disqualifications for employment.

36. (*1*) No person shall be appointed to, or retained in, the service of any Cantonment Authority—

(*a*) if he has, by himself or his partner, any share or interest in any contract made by or on behalf of the Cantonment Authority, or

(*b*) if he has been dismissed for misconduct from employment under any other Cantonment Authority or under any Municipal Authority or other Local Authority or under any department of the Government, or

(*c*) where his proposed or actual salary exceeds ten rupees, if he is related to any other servant of the Cantonment Authority, and the Cantonment Magistrate considers the relationship a sufficient disqualification for employment:

(*2*) Provided that no servant who is in employment at the commencement of this Code shall be dismissed on any of the grounds hereinbefore mentioned except with the sanction of the Officer Commanding the district and with due notice.

[*Clause* (*31*).] 134 (*f*), 153.)

Security to be furnished by certain servants.

37. (*1*) The Cantonment Authority shall require each of its servants who by reason of his office is entrusted with the receipt, custody or control of moneys or securities for money to furnish security for the due discharge of the trusts of his office and for the due account of all moneys and securities for money which may come into his possession by reason of his office.

(*2*) The amount of any security required from a servant under sub-section (*1*) shall be fixed by the Cantonment Magistrate, and shall be regulated by reference to the sums likely from time to time to be in the servant's hands:

(*3*) Provided that the amount shall not in any case be less than the total sum likely to pass through the servant's hands in any one week.

[*Clause* (*31*).] (156, 157.)

Bond of sureties.

38. (*1*) Where a servant of the Cantonment Authority is required to furnish security, the Cantonment Magistrate may in his discretion accept as such security a bond executed by two sureties.

(*2*) Every security-bond executed under this section shall be in Form 1 of Schedule I, or as near thereto as circumstances admit, and shall be registered under the law for the time being in force relating to the registration of documents.

(*3*) When any such bond relates to a mortgage of immoveable property, the mortgage shall be notified by the Cantonment Magistrate to the chief revenue-officer of the district in which the property is situate.

[*Clause* (*31*).] (154, 155.)

Classes of security.

39. (*1*) Without the previous sanction of the Commander-in-Chief, no security shall be accepted from or on behalf of any servant of the Cantonment Authority which is not a deposit of—

(*a*) cash, or

(*b*) Government securities, or

(*c*) shares in the Bank of Bengal, the Bank of Madras or the Bank of Bombay, or

(*d*) debentures or other securities for money issued by or on behalf of a Local Authority (i) in exercise of powers conferred by an Act of a legislature established in British India, or (ii) under the sanction of the Governor General in Council, or

(*e*) the mortgage-deed of a registered first mortgage of immoveable property situate in British India.

(*2*) No mortgage-deed shall be accepted as security—

(*f*) if the property to which it relates is a leasehold, or

(*g*) unless the value of the property exceeds, in the opinion of the chief revenue-officer of the district in which the property is situate, by one-third, or, if consisting of buildings, by one-half, the amount of the security to be furnished, or

(*h*) unless it sets forth that the mortgagee is the Secretary of State for India in Council, and that the mortgagee has power, in default of payment of the mortgage-money, to sell or concur in selling the mortgaged property or any part thereof without the intervention of a Civil Court.

[*Clause* (*31*).] (134 (*f*), 158.)

Deposit of money, securities and security-bonds.

40. The Cantonment Magistrate shall deal with all moneys and securities deposited and all security-bonds executed under this chapter in the manner prescribed in the Civil Account Code.

[*Clause* (*31*).] (159.)

Periodical examination of securities.

41. On or about the first day of January in each year the Cantonment Magistrate shall satisfy himself as to the sufficiency of the security furnished by or on behalf of each servant of the Cantonment Authority who has been required to furnish security.

[*Clause* (*31*).] (160.)

42. The Cantonment Magistrate shall not deliver up any money, security or security-bond taken under section 37 or section 38 to the person or persons by whom it was furnished or executed, or to his or their representative or representatives in interest, until one year after the death of, or the vacation of his office by, the servant from or on whose behalf the same was taken.

Re-delivery of securities.

[*Clause* (*6*).] (138—141.)

43. (*1*) The Cantonment Magistrate shall not dismiss any servant whose aggregate salary exceeds forty rupees per mensem, or reduce him to a lower grade or salary, without the previous sanction of the Cantonment Authority.

Procedure to be observed in punishing certain classes of servants.

(*2*) The Cantonment Magistrate shall record his reasons in writing whenever he dismisses or fines a servant of the Cantonment Authority who has been employed as such for an unbroken period of one year or more, or whose aggregate salary exceeds fifteen rupees per mensem.

[*Bengal Act III of 1884, s. 188.*] (474.)

44. If any public sweeper or other servant of the Cantonment Authority employed to remove or deal with night-soil or other offensive matter or rubbish withdraws from his duties without either obtaining the permission of the Cantonment Magistrate or giving one month's notice in writing of his intention so to withdraw,

Penalty on public conservancy establishments withdrawing from their duties without permission or notice.

he shall be punishable with fine which may extend to twenty rupees, or with rigorous imprisonment for a term which may extend to eight days, and shall forfeit all salary which may be due to him.

CHAPTER V. ([a])

PRIVILEGES AND LIABILITIES OF MEMBERS OF CANTONMENT COMMITTEES AND OTHERS.

[*Act XVIII of 1889, s. 28.*] (130.)

45. Every person shall be liable for the loss, waste or misapplication of any money or other property under the control of a Cantonment Committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the Committee; and a suit for compensation for the same may be instituted against him by the Secretary of State for India in Council.

Liability of members of Cantonment Committees for lose, waste or misapplication.

[*Bengal Act II of 1888, s. 51.*] (149.)

46. Every member of a Cantonment Committee, every servant of a Cantonment Authority, every contractor or agent for the collection of any cantonment tax, and every servant or other person employed by any such contractor or agent in the collection of any such tax shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Members of Cantonment Committees, cantonment servants and certain contractors and agents deemed to be public servants.

([a]) Serious losses are sometimes incurred by the Government in consequence of negligence on the part of Cantonment Magistrates and others. By this chapter Cantonment Magistrates and other members of Cantonment Committees are made liable for all such losses as are the direct consequence of negligence on their part.

[*Act XVIII of 1889, s. 138.*] (195, 196.)

47. (*1*) If any member of a Cantonment Committee or any servant of a Cantonment Authority is, otherwise than with the permission in writing of the Commander-in-Chief, directly or indirectly interested in any contract made with the Cantonment Authority, he shall be deemed to have committed an offence punishable under section 168 of the Indian Penal Code. XLV of 1860.

Penalty on member of Cantonment Committee or cantonment servant being interested in contract made with Cantonment Authority.

(*2*) A person shall not, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and the Cantonment Authority, but he shall not take part in any proceedings of a Cantonment Committee relating to any such contract.

[*Madras Act IV of 1884, s. 46.*] (9.)

48. No member of a Cantonment Committee or Commanding Officer shall be personally liable in respect of any contract lawfully made, or for any expense lawfully incurred, by or on behalf of a Cantonment Authority; but the Cantonment Fund shall be liable for and chargeable with all such contracts and expenses.

Members of Cantonment Committees and Commanding Officers not personally liable on contracts or for expenses.

CHAPTER VI. ([a])

THE CANTONMENT FUND.

Income.

[*Clause* (*31*).]

49. There shall be placed to the credit of the Cantonment Fund the following sums, namely:—

Income of Cantonment Fund.

(*a*) all fines mentioned in clause (*a*) of section 21 of the Cantonments Act, 1889, subject to the deductions referred to in that clause; XIII of 1889.

(*b*) the proceeds of taxes imposed under section 17 of the Cantonments Act, 1889, or levied under Act XX of 1856, in the cantonment, or continued in force in the cantonment under section 2, sub-section (*2*), of the Cantonments Act, 1889;

(*c*) rents and profits accruing from lands or other property placed by the Government under the management of the Cantonment Authority;

(*d*) all sums directed by section 8 of the Hackney-carriage Act, 1879, or by any other enactment for the time being in force, to be placed to the credit of the Fund; XIV of 1879.

(*e*) all sums which the Local Government may, by order under section 31 of the Cattle-trespass Act, 1871, or under any other enactment for the time being in force, direct to be placed to the credit of the Fund; I of 1871.

([a]) The objects to which Cantonment Funds may be applied are practically the same as heretofore, but they are more carefully defined.

The method of drawing money is maintained under the same restrictions as heretofore.

All procedure is, while more carefully defined, maintained as heretofore.

Provision is made for the investment of the balance when convenient, and for the periodical publication of the accounts.

(239.) (*f*) interest realised on the investment of any balance of the Fund;

(*g*) all other moneys received under this Code; and

(*h*) all sums granted by the Governor General in Council in aid of the Fund.

[*Clause* (*31*).] 50. It shall be the duty of the Cantonment Authority to take such steps as may be necessary, consistent with this Code and any other law for the time being in force, for the recovery of all income of the Cantonment Fund within the year for which it is due.

Income to be recovered within the year for which it is due.

Application of the Fund.

[*Clause* (*7*).] (201, 202, 207.) 51. (*1*) The Cantonment Fund shall be applicable, subject to the provisions of this Code, to the following purposes, namely:

Application of the Fund.

(*a*) the payment of any expenses directed by section 8 of the Hackney-carriage Act, 1879, or by any other enactment for the time being in force to be debited to the Fund; XIV of 1879.

(*b*) the maintenance of the police force employed in the cantonment;

(*c*) the payment of the salaries of all servants of the Cantonment Authority;

(*d*) the maintenance of an office for the Cantonment Authority;

(*e*) the carrying out of a proper system of conservancy throughout the cantonment for all its inhabitants other than British troops, including the pay of conservancy establishments, the construction of latrines and other conservancy works, and the purchase of all necessary conservancy carts, utensils and other appliances;

(*f*) the carrying out of other sanitary measures within the cantonment, including the prevention of the spread of infectious or contagious disorders, and generally the maintenance of the cantonment in a thoroughly sanitary condition;

(*g*) the provision and maintenance within the cantonment of hospitals, dispensaries, markets and slaughter-houses;

(*h*) the management and improvement of lands and other property placed by the Government under the management of the Cantonment Authority, including—

(i) the construction and maintenance of streets (other than those maintained from Imperial or Provincial Funds),

(ii) the lighting, watering and cleansing of streets,

(iii) the maintenance of public parks and gardens and the planting of trees;

(*i*) the abatement of nuisances in the cantonment;

(*j*) the survey of buildings and lands in the cantonment; and

(*k*) generally the payment of all expenses incurred in the cantonment under this Code or under any other law for the time being in force in the cantonment.

(*2*) The Cantonment Fund shall, with the general or special sanction of the Local Government, be applicable to any of the purposes mentioned or referred to in sub-section (*1*), within or without British India, beyond the limits of the cantonment in cases in which, in the opinion of the Local Government, the application of the Fund beyond those limits is for the benefit of the inhabitants of the cantonment or of any military force ordinarily quartered therein or of any detachment of any such force.

Budget Estimates and Authority for Payments.

52. (*1*) On the first day of June in each year, or on such other date as the Commander-in-Chief, in order to meet the requirements of the Local Government, may direct, the Cantonment Authority shall forward to the Commander-in-Chief, through the proper channel, a Budget Estimate of income and expenditure for the ensuing financial year. [*Clause*(*31*).] (227, 228, 230.)

Budget Estimate to be forwarded to Commander-in-Chief.

(*2*) The Budget Estimate shall be prepared in such form as may be prescribed by the Comptroller General in communication with the Commander-in-Chief in India.

(*3*) The Cantonment Authority shall, when preparing the Budget Estimate, carefully reconsider that portion of it which refers to the current year, and make such revision therein (in the columns provided for that purpose) as, having regard to the actuals of the year, so far as they have been recorded, and the probabilities of the remaining months of the year, may appear to it to be necessary.

53. (*1*) On completing his review of the several Budget Estimates, the Commander-in-Chief shall forward— [*Clause* (*31*). (286.)

Procedure when Commander-in-Chief has reviewed the Budget Estimates.

(*a*) to the Government, with such observations as he may think fit, an abstract of the Estimates, showing which of the several Cantonment Funds require State aid and to what amount such aid is required in each case, together with a copy of the Budget Estimate of each such Fund, and

(*b*) to the Controller of Military Accounts, detailed statements showing the amount of each grant-in-aid required and the purpose and the cantonment for which each is required.

Explanation.—In this sub-section "Government" means, as regards cantonments in the Bengal command, the Governor General in Council, and, as regards cantonments in the Madras and Bombay commands, the Local Government.

(*2*) Whenever the Commander-in-Chief sanctions any Budget Estimate, he shall forward the same to the Local Government for communication to the Accountant General or Comptroller and for inclusion in the Budget Estimate of Excluded Local Funds.

54. As soon as possible after the receipt by it of the several Budget Estimates, the Local Government shall forward to the Commander-in-Chief for record a consolidated estimate of the receipts and expenditure of the several cantonments within the territories subject to its administration. [*Clause* (*31*).] (285.)

Consolidated estimate for each province.

[*Clause* (8).] (226, 232, 273.)

Expenditure limited to amounts provided in Budget or subsequently sanctioned.

55. (*1*) The sum at the disposal of the Cantonment Authority for expenditure for any purpose is strictly limited to the amount provided for that purpose in the Budget Estimate, as sanctioned by the Commander-in-Chief :

(*2*) Provided that—

(*a*) if it appears to the Commander-in-Chief that an additional allotment is necessary for any special purpose, he may sanction the same, at any time during the year to which the Estimate relates, up to the amount of any balance in hand to the credit of the Fund ;

(*b*) the Cantonment Authority may, with the previous sanction of the Commander-in-Chief, re-appropriate any sum from one head or sub-head of the Budget to another.

(*3*) A copy of every order made under sub-section (*2*) shall be sent by the Commander-in-Chief or the Officer Commanding the district, as the case may be, to the Accountant General or Comptroller.

Explanation 1.—No payment may be made from the Cantonment Fund unless it is provided for either (*a*) in the Budget as sanctioned, or (*b*) under an additional allotment, or (*c*) by re-appropriation.

Explanation 2.—Savings under one head or sub-head of the Budget cannot be applied to expenditure under another head or sub-head without the previous sanction of the Commander-in-Chief.

[*Clause* (31).]

Expenditure not to be incurred in anticipation of succeeding year's Budget.

56. The Cantonment Authority shall not incur any expenditure in anticipation of, or accumulate outstanding debts against, the succeeding year's Budget.

[*Clause* (8).] (208, 209.)

Payments how made.

57. Money may be paid from the Cantonment Fund—

(*a*) where a charge does not exceed ten rupees in amount, on the order of the Cantonment Magistrate, in cash, and

(*b*) where a charge exceeds ten rupees in amount, by cheque signed—

(*i*) where there is a Cantonment Committee, by the president, or,

(*ii*) where a Cantonment Committee does not exist or cannot be convened, by the Commanding Officer of the cantonment.

Investment of balance.

[*Clause*(9).] (233, 234, 238, 241, 242.)

Investment of balance of Cantonment Fund.

58. (*1*) The Local Government may, with the concurrence of the Commander-in-Chief, direct that any balance of the Cantonment Fund which is not required for expenditure within twelve months be invested in Government securities, and may, when necessary, direct the sale of the whole or any of the securities in which any balance has been so invested.

(*2*) The purchase and sale of the securities shall be effected, and the investment shall be held, under the rules prescribed in the Civil Account Code for securities purchased and sold for and held in trust by officers of the Government.

Accounts.

Accounts to be kept.

59. The Cantonment Authority shall keep such accounts of receipts into and expenditure from the Cantonment Fund as may be prescribed by rules made by the Comptroller General in communication with the Commander-in-Chief in India. [*Clause* (11).] (243—271.)

Audit of accounts.

60. The accounts of Cantonment Funds shall be audited by the Accountant General or Comptroller in accordance with such rules as may be prescribed by the Comptroller General in communication with the Commander-in-Chief in India. [*Clause* (11).] (274—281.)

Consolidated account of actuals.

61. After the accounts of all Cantonment Funds in a Province have been audited, an abstract thereof shall be forwarded by the Local Government to the Commander-in-Chief for record. [*Clause* (31).] (272, 284.)

Publication of accounts.

62. The Cantonment Authority shall publish the accounts of the Cantonment Fund annually in such form and in such manner as it may consider best adapted for making them known to the inhabitants of the cantonment. [*Clause* (11).] (288.)

CHAPTER VII. ([a])

CONTRACTS.

Limitation of power to make contracts under which money is to be received into the Cantonment Fund.

63. (*1*) Leases or other contracts under which money is to be received into the Cantonment Fund shall not ordinarily be made by the Cantonment Authority for a longer period than twelve months. [*Clause* (10).] (164, 396.)

(*2*) If in any case the Cantonment Authority desires to make such a contract for a longer period than twelve months, it shall before doing so obtain the sanction of the Commander-in-Chief.

Limitation of power to make contracts involving expenditure.

64. No contract involving expenditure from the Cantonment Fund shall be made by the Cantonment Authority unless provision for the expenditure has been made in the Budget Estimate as sanctioned, added to or altered under Chapter VI. [*Clause* (10).] (167.)

Officers by whom contracts are to be executed.

65. (*1*) Every contract made by the Cantonment Authority shall, except as provided in sub-section (*2*), be executed by the Cantonment Magistrate. [*Clause* (10).] (171, 174.)

([a]) The object of the rules regarding contracts is to ensure system and regularity in the mode of entering into them, and the proper conduct of sales, tenders and auctions, these being all matters in which carelessness on the part of Cantonment Magistrates entails loss to the Government.

(2) Every contract made by the Cantonment Authority for the execution of works shall, when the value or amount of the contract exceeds two hundred rupees, be executed by the Executive Engineer.

[*Clause* (*10*).] (173.)

Consent of Cantonment Authority required before Cantonment Magistrate executes certain contracts.

66. (*1*) The Cantonment Magistrate shall not execute on behalf of the Cantonment Authority any contract the value or amount of which exceeds fifty rupees without the consent of the Cantonment Committee or, where a Cantonment Committee does not exist or cannot be convened, of the Commanding Officer of the cantonment:

(*2*) Provided that in a case of urgency the Cantonment Magistrate may, with the consent of the president, execute on behalf of a Cantonment Committee any contract the value or amount of which exceeds fifty rupees but does not exceed two hundred rupees, but he shall in every such case submit to the Committee at its next meeting a report of the action taken and the reasons therefor.

[*Clause* (*10*).]

Draft of contract for farming octroi collections to be referred to Commander-in-Chief.

67. The Cantonment Magistrate shall not execute on behalf of the Cantonment Authority any contract for the farming of octroi collections unless a draft of the same has been referred, through the Officer Commanding the district, to the Commander-in-Chief, who shall, if he considers it desirable to do so, refer the draft to the Local Government with a view to obtaining legal opinion thereon.

[*Clause* (*10*).] (172.)

Form of contracts executed by Cantonment Magistrate.

68. Every contract executed by the Cantonment Magistrate on behalf of the Cantonment Authority the value or amount of which exceeds fifty rupees, except a contract for the sale of moveable property, shall be in writing, shall be signed by the Cantonment Magistrate and shall be drawn up in the prescribed form (if any).

Explanation 1.—The prescribed form for a contract for the execution of a work is the form in use for that purpose in the Public Works Department under the orders of the Local Government.

Explanation 2.—The prescribed form for any other contract is the form (if any) prescribed by the Governor General in Council for the purpose. Copies of any forms so prescribed will be obtainable on application to the Cantonment Magistrate.

[*Clause* (*10*).] (176, 182.)

Obligation of Cantonment Magistrate to proceed by tender or auction in certain cases.

69. (*1*) Unless the Commander-in-Chief otherwise specially directs, or it is impracticable, the Cantonment Magistrate shall publicly invite tenders, or give notice of a public auction, before he executes on behalf of the Cantonment Authority any lease or other contract the value or amount of which exceeds five hundred rupees.

(*2*) Every sale of moveable property by the Cantonment Magistrate shall be made by public auction unless the Cantonment Authority in any case otherwise directs.

[*Clause* (*10*).] (183, 184.)

Time of payment for moveable property sold privately by Cantonment Magistrate.

70. Where the Cantonment Magistrate sells moveable property otherwise than by public auction, payment for the same shall be made not later than three days after delivery of the property.

[*Clause* (*10*).]

Security for fulfilment of contract.

71. (*1*) The Cantonment Authority may fix the amount of security (if any) to be deposited for the fulfilment of any contract (other than a contract based upon a tender or auction) executed by the Cantonment Magistrate on its behalf.

(*2*) Where security is required, it shall be of the nature and shall be dealt with in the manner prescribed in Chapter IV for security taken from a servant of the Cantonment Authority :

(*3*) Provided that re-delivery of securities to a depositor may be made at any time after the expiry of one month from the completion of the contract to the satisfaction of the Cantonment Authority.

[*Clause* (*10*).] (191.)

Power of Cantonment Magistrate to rescind contract made with servant of Cantonment Authority or of Government.

72. The Cantonment Magistrate may rescind any contract executed by him on behalf of the Cantonment Authority if he finds after due enquiry that the tender or the auction bid on which the contract was based was made by a person who at the time of making the tender or bid belonged to, or was directly or indirectly connected with, the service of the Cantonment Authority or of the Government.

[*Clause* (*10*).] (169, 192.)

Power of Commander-in-Chief to rescind contract executed by Cantonment Magistrate.

73. (*1*) The Officer Commanding the district, or the Cantonment Authority, may call for the proceedings of the Cantonment Magistrate in respect of any contract executed by him or any tender which he has accepted, or any auction or other sale which he has effected, and, if he or it finds that any of the provisions of this chapter have been contravened, may refer the matter for the orders of the Commander-in-Chief.

(*2*) The Commander-in-Chief may rescind any contract or revoke any transaction so referred to him, and may direct that no payment in pursuance of any such contract or transaction shall be made from the Cantonment Fund.

(*3*) Any loss to which the Cantonment Authority may become liable by reason of any order made by the Commander-in-Chief under sub-section (*2*) shall be borne by the Cantonment Magistrate.

Procedure as to Tenders and Auctions.

[*Clause* (*10*). (177, 178, 185, 186.)

Publication of notice in case of tenders or auction.

74. (*1*) Whenever the Cantonment Magistrate determines to invite tenders or to hold a public auction, he shall give public notice in one or more of the following modes, namely :

(*a*) advertisement in the official Gazette,

(*b*) advertisement in a local newspaper,

(*c*) proclamation by public written notice in English or in such vernacular languages as may be convenient,

(*d*) proclamation by beat of drum,

(*e*) any other mode of giving public notice customary in the neighbourhood :

Provided that the notice is made as public locally as is reasonable in the circumstances of each case.

(*2*) The notice shall, when published in the manner specified in clause (*a*), clause (*b*) or clause (*c*) of sub-section (*1*), be in Form 2 or Form 3, as the case may be, of Schedule I, or as near thereto as circumstances admit, and shall, when published in any other manner, contain such of the particulars mentioned in the said Form 2 or Form 3, as the case may be, as the Cantonment Magistrate thinks sufficient.

[*Clause* (*10*).] (178, 179.) Provisions as to tender forms, earnest-money and security.

75. (*1*) All tenders shall be submitted in a form (if any) prescribed by the Commander-in-Chief.

(*2*) The Cantonment Magistrate may fix the price (if any) to be paid for blank forms of tender.

(*3*) The Cantonment Magistrate may fix the amount of earnest money (if any) required to accompany any tender, and the amount of security (if any) to be deposited for the fulfilment of the contract created by the acceptance of any tender:

Provided that the amount shall not in either case be less than one-twelfth of the gross total of the value or amount of the tender.

(*4*) Where earnest money is required, it shall be deposited in cash.

(*5*) Where security is required, it shall be of the nature and shall be dealt with in the manner prescribed in Chapter IV for security taken from a servant of the Cantonment Authority:

Provided that re-delivery of securities to a depositor may be made at any time after the expiry of one month from the completion of the contract to the satisfaction of the Cantonment Authority.

(*6*) The date for depositing security shall be not later than one month after the acceptance of the tender.

Clause (*10*).] (180.) Opening of tenders.

76. At the appointed day and hour the Cantonment Magistrate shall open the tenders publicly, and, if any of the persons tendering or their agents are in attendance, in their presence.

[*Clause* (*10*).] (186, 187.) Provisions as to time of payment, security and compensation for non-payment in case of auctions.

77. (*1*) The Cantonment Magistrate may appoint the time or times (if any) for payment of money due as the result of an auction, and may fix the sum (if any) to be deposited as security for payment and the sum (if any) to be paid as compensation in the event of failure by the purchaser to carry out the contract:

Provided that a sum fixed under this sub-section shall not be less than one-twelfth of the amount of the accepted bid.

(*2*) The provisions of sub-sections (*5*) and (*6*) of section 75 shall apply to any security taken under this section.

[*Clause* (*10*).] (181, 188.) Cantonment Magistrate not bound to explain his action as to tender or bid.

78. (*1*) The Cantonment Magistrate shall not be bound to give any explanation of his reasons for accepting or rejecting any particular tender or bid to any person or authority except the Cantonment Authority.

(*2*) Any explanation given to the Cantonment Authority under this section may, if the Cantonment Magistrate thinks fit, be given in confidence.

PART III.

OCCUPATION OF LAND.

CHAPTER VIII. ([a])

APPLICATIONS TO HOLD LAND.

Applications for building-sites.

[*Clause* ...] Cantonment Authority not to permit irregular occupation of land.

79. The Cantonment Authority shall not permit any land belonging to the Government in the cantonment to be enclosed, or any house, hut, shed, stable or building of any kind to be erected on such land, except in accordance with the provisions of this Chapter and Chapter IX.

[*Clause* (...] (289-291...) Applications for building-sites outside bazars.

80. Every application for permission to occupy, for the purposes of a building-site, land (outside bazars) belonging to the Government in a cantonment shall be submitted to the Cantonment Magistrate in writing, and shall contain the following particulars, namely:

(*a*) the situation, area and boundaries of the land;

(*b*) the materials to be used in the intended buildings; and

(*c*) the period after the date of occupation within which the intended buildings are to be completed.

[*Clause* (...] (292, 29... 295.) Documents to accompany such applications.

81. Every such application shall be accompanied by—

(*a*) a plan in triplicate, on a scale of one hundred and ten feet to the inch, authenticated by the Executive Engineer, showing—

(*i*) the boundaries of the land,

(*ii*) the roads or lands adjoining, and

(*iii*) all buildings intended to be erected on the land;

(*b*) a ground plan and elevation of the principal building intended to be erected, showing the dimensions of the same;

(*c*) a specification of the buildings intended to be erected;

(*d*) an approximate statement of the intended outlay on the buildings;

(*e*) a certificate from the Executive Engineer that there is no departmental objection to the application being granted; that the land is or is not within two thousand yards of a fortified place, and

([a]) The provisions of this chapter aim at preventing irregular permissions to squatters and others to occupy Government land, and at ensuring that every application for the grant of a site in cantonments shall be made in regular form, and be accompanied by such plans and other documents as will both furnish information on all necessary details and render the site capable of identification with absolute certainty at all future times.

Provision is also made for allowing existing grantees of sites in cantonments to have their grants placed under the Code.

that the land is not in his opinion likely to be required for any public purpose; and

(*f*) a certificate from the applicant that he has read the form of agreement prescribed in accordance with section 113, and is willing to execute an agreement in that form.

[*Clause* (*1*).] (293, Expln., 294.)

Disposal of such applications.

82. (*1*) Every such application shall, if the procedure prescribed by section 80 and section 81 has been correctly observed, be submitted by the Cantonment Magistrate as soon as convenient to the Commanding Officer of the cantonment.

(*2*) If the Commanding Officer considers that the occupation of the land in the manner proposed will not be objectionable, either as regards the health or comfort of the troops or in any other respect, he shall attach to the application a certificate to that effect, and shall forward the application through the proper channel to the Commander-in-Chief.

(*3*) The Commander-in-Chief may sanction or reject any such application, as he thinks fit:

(*4*) Provided that, if the land applied for is within two thousand yards of a fortified place, the Commander-in-Chief shall not accord his sanction without the express orders of the Governor General in Council:

(*5*) Provided also that, if it is intended to set apart for occupation by civil officers the house to be erected on the land, the Commander-in-Chief shall not accord his sanction without the concurrence of the Local Government.

[*Clause* (*1*).] (289—291.)

Applications for building-sites in bazars.

83. (*1*) Every application for permission to occupy for the purposes of a building-site land situate in a bazar shall be submitted to the Cantonment Magistrate in writing, and shall contain the following particulars, namely:

(*a*) the situation, area and boundaries of the land;

(*b*) a description of the building intended to be erected; and

(*c*) the materials to be used in the intended building.

(*2*) The Cantonment Magistrate may sanction or reject any such application, as he thinks fit.

Applications in respect of land granted before the commencement of this Code.

[*Clause* (*31*).] (289.)

Applications by existing grantees to hold under Chapter IX.

84. Any grantee of land (outside bazars) occupied before the commencement of this Code may apply for permission to hold the land under the provisions of Chapter IX.

[*Clause* (*31*).] (290—293.)

Particulars required in respect of such applications.

85. Every application made under section 84 shall be submitted to the Cantonment Magistrate in writing, shall show the situation, area and boundaries of the land, and shall be accompanied by—

(*a*) a plan, in triplicate, on a scale of one hundred and ten feet to the inch, authenticated by the Executive Engineer, showing—

(*i*) the boundaries of the land,

(*ii*) the roads or lands adjoining, and

(*iii*) all buildings standing on the land; and

(*b*) a certificate from the applicant that he has read the form of agreement prescribed in accordance with section 113, and is willing to execute an agreement in that form.

[*Clause* (*31*).] (293, Expln., 294.)

Disposal of such applications.

86. (*1*) Every such application shall, if the procedure prescribed by section 85 has been correctly observed, be submitted by the Cantonment Magistrate as soon as convenient to the Commanding Officer of the cantonment for transmission through the proper channel to the Commander-in-Chief.

(*2*) The Commander-in-Chief may sanction or reject any such application, as he thinks fit.

CHAPTER IX. [a]

CONDITIONS OF OCCUPANCY.

Conditions applicable in case of building-sites (outside bazars) granted after the commencement of this Code.

[*Clause* (*2*).] (296, 308, 323, 328.)

Conditions applicable in case of building-sites (outside bazars) granted after commencement of this Code.

87. Every permission given in pursuance of an application to occupy land (outside bazars) for the purposes of a building-site shall be deemed to have been granted on the conditions specified in sections 88 to 110, both inclusive.

[*Clause* (*2*).] (309.)

Execution of agreement.

88. The applicant shall not use or occupy the land, or erect any building thereon, until he has duly executed an agreement in the prescribed form, and has registered the same

(a) The two main conditions exacted by the Government in return for the permission to build houses on its land are—

(*i*)—that the Government shall have the first claim to rent the house to the exclusion of any other person: this claim it passes on to its officers, but modified by a proviso that the claim shall not be exercised so long as there is another suitable available; and

(*ii*)—that the Government may resume the land at any time on paying compensation for all buildings which have been erected thereon with the concurrence of proper authority.

The principal aim, therefore, of this chapter is to enunciate these two conditions, and to ensure that they are duly subscribed to by every grantee. With this object a carefully drawn form of agreement is prescribed, in which these and all minor conditions are to be detailed, and which shall be signed by the grantee in all cases before he is put in possession of the land.

Provision is also made for setting apart certain houses for the exclusive use of civil officers, and carefully detailed rules are provided for the exercise, under due restrictions, of the right of priority of claim to rent houses in the three cases (*a*) of a military officer, (*b*) of a civil officer and (*c*) of departmental and regimental military officers, *inter se*. This is preferable to any arrangement for setting apart portions of a cantonment for particular classes or sub-divisions of the community, a method now out of date.

The subjects of tenancy, rents, repairs, &c., are all provided for by rules aimed both at placing all such matters on a just and equitable basis, such as should be equally satisfactory to both landlords and tenants, and also at protecting landlords from unfair treatment by unscrupulous tenants.

Disputes are to be settled by arbitration.

under the law for the time being in force relating to the registration of documents.

Explanation.—"The prescribed form" means a form prepared in accordance with section 113 and published in the *Gazette of India*. Copies of the form will be obtainable on application to the Cantonment Magistrate.

[*Clause* (2).] (309.)

Form of agreement not to be varied.

89. Any material variation made in the prescribed form of agreement without the express sanction of the Governor General in Council shall not be binding on the Government.

[*Clause* (2).] (300.)

Erection of buildings.

90. Buildings may be erected on the land only in accordance with the agreement or, where a proposed building, alteration or addition is not provided for by the agreement, with the written permission of the Cantonment Authority.

[*Clause* (2).] (301.)

Commencement and completion of buildings.

91. The buildings to be erected on the land in accordance with the agreement shall be commenced within six months from the execution of the agreement, and shall be completed within the period fixed in that behalf by the agreement, or within such further period (if any) as the Cantonment Authority may, by order in writing, allow.

[*Clause* (2).]

Right of the Government to require the grantee to let the house to a military or civil officer.

92. (*1*) In view of the special objects with which land is taken up by the Government for use as a cantonment, and of the necessity of securing, in the interests of the State,

(*See Cantonments Bill of 1888, s. 23 (1).*)

that military officers on duty in cantonments shall not be compelled to reside too far, in the case of regimental officers, from the men under their command, and, in the case of departmental officers, from the locality in which their duties chiefly lie, and

that civil officers shall be provided with accommodation in cantonments,

the Government reserves a right, subject to the provisions hereinafter in this chapter contained, to require the grantee at any time to let the house erected on the land to any military officer or civil officer to the exclusion of any other person.

Clause (2).] (310, 324.)

Exercise of the Government right in behalf of a military officer where the house is not already occupied by a military officer.

93. Whenever the Cantonment Authority considers that the right reserved by section 92 should be exercised in behalf of any military officer, it may, if the house is not already occupied by a military officer, and if it has not been set apart under section 95 for occupation by civil officers, by notice require the grantee to let the house to the military officer named in the notice, and for that purpose to cause the existing tenant (if any) to vacate the same:

Provided that the grantee may at his option apply to the Cantonment Magistrate to enforce the vacation of the house under the provisions of section 115.

[*Clause* (2).] (325.)

Exercise of the Government right in behalf of a military officer where the house is occupied by another military officer.

94. If the house is occupied by a departmental military officer, and the Cantonment Authority considers that it should, in view of the requirements stated in section 92, be vacated in favour of a regimental officer, or *vice versâ*, it may by notice require such departmental officer to vacate the house in favour of such regimental officer, or such regimental officer to vacate the house in favour of such departmental officer, as the case may be;

and may, if necessary, by further notice require the grantee to permit the change of tenancy.

[*Clause* (2).] (310, 329–332.)

Exercise of the Government right in behalf of a civil officer.

95. (*1*) The Cantonment Authority may at any time, with the previous sanction of the Commander-in-Chief given with the concurrence of the Local Government, set apart the house for occupation by civil officers.

(*2*) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Local Government.

(*3*) If, while the house is so set apart, the Cantonment Authority at any time considers that the right reserved by section 92 should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice require the grantee to let the house to the civil officer named in the notice, and for that purpose to cause the existing tenant (if any) to vacate the same:

Provided that the grantee may at his option apply to the Cantonment Magistrate to enforce the vacation of the house under the provisions of section 115.

[*Clause* (2).] (327, 333.) (*See Cantonments Bill of 1888, s. 23 (1).*)

Procedure to be observed before the Government right is exercised.

96. (*1*) Whenever a military officer or a civil officer considers that a notice should be issued in his behalf under section 93, section 94 or section 95, he may request the Commanding Officer of his regiment, or (in the case of a military departmental officer) the local head of his department, or (in the case of a civil officer) the District Magistrate to make an application to that effect to the Cantonment Authority.

(*2*) On receipt of any such application the Cantonment Authority shall enquire into the case, and it shall not issue the notice unless it is satisfied—

(*a*) that the circumstances are such as to require its intervention, and

(*b*) that no other suitable house is available, having regard both to the rank of the officer and the locality in which his duties chiefly lie.

[*Clause* (2).] (311.) (*See Cantonments Bill of 1888, s. 23 (13).*)

Government right not to be exercised in respect of certain houses.

97. No notice shall be issued under section 93 or section 95 if the house—

(*a*) is occupied as a bank, and has been so occupied continuously during the last preceding twelve months, or

(*b*) is occupied as an hotel, shop or school, and has been so occupied continuously during the last preceding three years, or

(*c*) is occupied by a railway-administration, or

(*d*) is appropriated by the Government for use as a public office or for any other purpose.

[*Clause* (2).] Sanction to be obtained before the house is occupied as a bank, hotel, shop or school or by a railway-administration.

98. (*1*) In view of the privilege granted by section 97, the house shall not be occupied—

(*a*) for the purposes of a bank, hotel, shop or school without the previous sanction of the Commander-in-Chief obtained through the Cantonment Auhority, or

(*b*) by a railway-administration without the previous sanction of the Government obtained through the Cantonment Authority.

Explanation.—In this sub-section "Government" means, as regards cantonments in the Bengal Command, the Governor General in Council, and, as regards cantonments in the Madras and Bombay Commands, the Local Government.

(*2*) The Commander-in-Chief shall not sanction the occupation of the house for the purposes of a bank, hotel, shop or school unless he is satisfied that the number of houses in the cantonment, as compared with the strength of the existing or probable garrison, renders it unlikely that such occupation would—

(*a*) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military officers or civil officers, or

(*b*) necessitate the acquisition of land at some future time for the extension of the cantonment.

[*Clause* (2).] (298.) Grantee to inform intending tenant, not being a military or civil officer, of his liability to ejectment.

99. To prevent hardship in the enforcement of the right reserved by section 92, it shall be the duty of the grantee, before he lets the house to any person other than a military officer or (if the house has been set apart for occupation by civil officers) a civil officer,

to inform the tenant of his liability to ejectment, and to send to the Cantonment Authority a report, countersigned by the tenant, stating that he has so informed him.

[*Clause* (2).] (311.) (*See Cantonments Bill of 1888, s.* 23 (2).) Rent offered to be stated in notice.

100. Every notice issued under section 93 or section 95 shall state the amount of the monthly rent which, with the approval of the Cantonment Authority, the proposed tenant offers to pay for the house.

[*Clause* (2).] (311, 312.) (*See Cantonments Bill of 1888, s.* 23 (1).) Time to be allowed for giving possession of house.

101. (*1*) If the house is unoccupied, any notice issued under section 93 or section 95 may require the grantee to give possession of the same to the proposed tenant within seven days from the service of the notice.

(*2*) If the house is occupied, no notice issued under section 93, section 94 or section 95 shall require its vacation in less than thirty days from the service of the notice.

[*Clause* (2).] (322.) (*See Cantonments Bill of 1888, s.* 23 (12).) Claims to compensation barred.

102. Neither the Cantonment Authority nor any military officer or civil officer shall be liable to pay compensation to any person for any loss incurred in consequence of any notice issued under section 93, section 94 or section 95; and

the grantee shall not be liable to pay compensation to any occupier for any loss so incurred, where he has duly informed the occupier of his liability to ejectment.

[*Clause* (2).] (319—321.) (*See Cantonments Bill of 1888, s.* 24.) Terms of tenancy applicable to military and civil officers.

103. (*1*) Every lease to a military officer or civil officer shall, unless the officer of his own accord makes a special agreement to the contrary, be deemed to be a lease from month to month, terminable without notice in the case of the departure of the officer from the cantonment on duty or on medical certificate, or by fifteen days' notice to the grantee in any other case.

(*2*) Every notice under sub-section (*1*) must be in writing, signed by or on behalf of the tenant, and the Cantonment Magistrate shall, if the tenant so desires, cause it to be served on the grantee free of charge.

(*3*) If a military officer or civil officer who leaves the cantonment on duty or on medical certificate has occupied the house during a portion only of the calendar month in which he so leaves, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the period bears to the whole month:

Provided that the sum shall not in any case be less than one-fourth of the monthly rent.

[*Clause* (2).] (314.) Responsibility of joint tenants for rent.

104. Where two or more military officers or civil officers occupy the house, whether each pays a share of the rent direct to the grantee or not, one of them shall be responsible for the whole rent, as follows:—

(*a*) where an arrangement has been made between the grantee and one of the tenants for the payment of the whole rent, the tenant who made the arrangement; and

(*b*) where no such arrangement has been made,—

(*i*) if the terms of tenancy commenced at the same time, the senior tenant, as seniority is reckoned in the service of the Government, and

(*ii*) if the terms of tenancy commenced at different periods, the first occupant.

[*Clause* (2).] (316—318.) Reference to arbitration.

105. If the grantee and his tenant, being a military officer or a civil officer, disagree on any question relating to rent or repairs, the question shall, subject to section 120, be referred for settlement to a Committee of Arbitration under the provisions of Chapter X:

Provided as follows:

(*See Cantonments Bill of 1888, s.* 23 (7).)

(*a*) an offer of rent made in a notice in accordance with section 100 shall be deemed to have been accepted, unless the

grantee applies within fifteen days from the service of the notice for a Committee of Arbitration;

(*b*) after such acceptance, or the decision of a Committee of Arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (*b*) of section 119;

(See Cantonments Bill of 1888, s. 25 (4).) (*c*) when a Committee of Arbitration* has decided on any question relating to repairs, no such question in respect of the same house shall again be brought before a Committee of Arbitration within twelve months from the date of the decision.

(411.) *Explanation.*—In this section "repairs" includes such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house in question belongs, but does not include additions, improvements or alterations except in so far as they are necessary to carry out such repairs as aforesaid, or have been made with the grantee's consent.

[*Clause* (2).] (315.) **106.** If the house has been vacated in compliance with a notice issued under section 93, section 94 or section 95 in favour of a military officer or a civil officer, and the tenant fails to pay the rent due for the use and occupation of the house, or to pay for any damage caused by an unreasonable use of the same, the grantee may, when the sum due to him on account of rent or damages (if any), or both, is equal to three months' rent, apply to the Officer Commanding the district for an order revoking the notice; and on receipt of any such order the Cantonment Magistrate shall by notice require the tenant to vacate the house.

Procedure where military or civil officer fails to pay rent or damages.

[*Clause* (2).] (313.) **107.** If any Cantonment Authority is satisfied that a military officer or civil officer in whose favour a house was vacated as aforesaid—

Government right not to be exercised in behalf of certain officers.

(*a*) made any default in payment of the rent, or

(*b*) used the house in an unreasonable manner, or

(*c*) failed to comply with any reasonable conditions imposed upon him by the grantee, or

(*d*) gave up his occupation of the house during any temporary absence from the cantonment,

the Cantonment Authority shall not require any grantee to let a house to him within five years from the date of such default, act or failure.

Explanation 1.—This section applies whether the default, act or failure occurred in the same or any other cantonment, or with respect to a house belonging to the same or any other grantee.

Explanation 2.—"Temporary absence" means an absence for any reason other than departure from the cantonment on duty or on medical certificate.

[*Clause* (2).] **108.** (*1*) Whenever the grantee intends to assign his interest in the land, or in the house erected on the land, by sale, gift or exchange, he or the intended assignee shall give the Cantonment Magistrate one month's notice in writing before the assignment is completed, and the Governor General in Council shall have power within that period to veto the assignment.

Assignment of grantee's interest.

(*2*) If in any case the Cantonment Authority considers it desirable that the said power of veto should be exercised, it shall report the case to the Commander-in-Chief by telegram.

109. (*1*) If the grantee commits any breach of the conditions specified in sections 88 and 91, the Cantonment Authority may by notice require him to vacate the land, and to remove all or any buildings or materials which he may have erected or collected thereon, and, if any agreement has been executed, may cancel the same. [*Clause* (2).] (297.)

Penalties for breach of conditions whose breach is not otherwise provided against.

(*2*) If the grantee commits any breach of the conditions specified in section 90, the Cantonment Authority may by notice require him to remove any building or part of a building in respect of which the breach has been committed, or to alter the same to its satisfaction.

(*3*) The grantee shall not be entitled to compensation for any loss resulting from the issue of any notice under sub-section (*1*) or sub-section (*2*).

(*4*) If the grantee permits the house to be occupied for the purposes of a bank, hotel, shop or school, or by a railway-administration, without obtaining the sanction required by section 98, the privilege granted by section 97 in the case of a house so occupied shall be withdrawn.

(*5*) If both the grantee and the assignee fail to give notice, as required by section 108, of any intended assignment, the assignee shall be deprived of the benefit of sections 97, 104, 106 and 107.

110. The Government may resume the land or any portion thereof at any time after giving one month's notice, and on payment of compensation for the buildings standing thereon; [*Clause* (2).] (299.)

Right of the Government to resume the land.

Provided that no compensation shall be paid for any buildings standing on the land which have been erected without authority.

Explanation.—No compensation will be payable for the land or for anything in or on the land except buildings.

Conditions applicable in case of building-sites in bazars granted after the commencement of this Code.

111. Every permission given in pursuance of an application to occupy for the purposes of a building-site land situate in a bazar shall be deemed to have been granted on the following conditions, namely: [*Clause* (2).] (296, 303.)

Conditions applicable in case of building-sites in bazars.

(*1*) The applicant shall not use or occupy the land, or erect any building thereon, until he has either— (304—306.)

License or agreement.

(*a*) received from the Cantonment Magistrate a license in the prescribed form, or

(*b*) executed an agreement drawn up as nearly as may be in the form prescribed for a license.

Explanation 1.—The prescribed form of license means a form prepared in accordance with section 113 and published in the *Gazette of India*. Copies of the form will be obtainable on application to the Cantonment Magistrate.

Explanation 2.—The applicant may at his option execute an agreement instead of taking a license.

(305.) (*2*) Any material variation made in the prescribed form of license without the express sanction of the Governor General in Council shall not be binding on the Government. [Form of license not to be varied.]

(300.) (*3*) Buildings may be erected on the land only in accordance with the license or agreement, or, where a proposed building, alteration or addition is not provided for by the license or agreement, with the written permission of the Cantonment Magistrate. [Erection of buildings.]

(301). (*4*) The buildings to be erected on the land in accordance with the license or agreement shall be commenced within six months from the issue of the license or execution of the agreement, and shall be completed within the period fixed in that behalf by the license or agreement. [Commencement and completion of buildings.]

(299.) (*5*) The Government may resume the land or any portion thereof at any time after giving one month's notice, and on payment of compensation for the buildings standing thereon : [Right of the Government to resume the land.]

Provided that no compensation shall be paid for any buildings standing on the land which have been erected without authority.

Explanation.—No compensation will be payable for the land or for anything in or on the land except buildings.

Conditions applicable in case of land granted before the commencement of this Code.

[Clause (31).] (296, 308, 309, 323, 328.) **112.** (*1*) When permission has been given to a grantee to hold under the provisions of this chapter land (outside bazars) occupied before the commencement of this Code, the grantee shall execute an agreement in the prescribed form, and shall register the same under the law for the time being in force relating to the registration of documents. [Conditions applicable in case of existing grants.]

(*2*) On the registration of such agreement, the grantee shall be deemed to hold the land on the conditions specified in sections 89 to 108 (both inclusive), section 109, sub-sections (*2*), (*3*) and (*4*), and section 110.

Explanation.—"The prescribed form" means a form prescribed in accordance with section 113 and published in the Gazette of India. Copies of the form will be obtainable on application to the Cantonment Magistrate.

Supplemental Provisions.

[Clause (31).] (307, 309.) **113.** (*1*) Every agreement executed or license given under this chapter to occupy or hold land shall, unless the Governor General in Council in any case expressly sanctions a variation in the form of agreement or license,— [Form of agreement, or license, and annexure of site-plans.]

set forth that the permission to occupy or hold the land confers no proprietary right therein,

specify the conditions on which permission to occupy or hold the land is granted, as stated in this chapter, and

contain a form of endorsement to be used in all cases of assignment by a grantee of any of the rights vested in him under the agreement or license.

(*2*) Every agreement to occupy land outside bazars shall contain a clause obliging the grantee to adhere, except with the written permission of the Cantonment Authority, to the particulars given in or with his application under Chapter VIII as to the buildings to be erected, the period within which they are to be completed, the materials to be used therein, the outlay to be incurred thereon and the dimensions of the principal building.

(*3*) Every agreement or license to occupy land situate in a bazar shall specify the situation, area and boundaries of the land, and shall contain a clause obliging the grantee to adhere, except with the written permission of the Cantonment Magistrate, to the particulars given in his application under Chapter VIII as to the building to be erected and the materials to be used therein.

(*4*) To every agreement to occupy or hold land outside bazars a site plan of the land shall be annexed. Such plan shall show the dimensions of the land in feet, shall be authenticated by the Executive Engineer as agreeing with the land, and shall be endorsed with the date of its preparation, the name of the grantee and the signature of the Officer Commanding the district or his principal Staff Officer.

114. (*1*) Two copies of all agreements executed or licenses given under this chapter shall be prepared under the orders of the Cantonment Magistrate and authenticated by his signature. [Clause (31)] [Record of copies of agreements, licenses and site-plans.]

(*2*) Two copies of all site-plans annexed to such agreements shall be prepared, at the cost of the grantee, under the orders of the Executive Engineer, and authenticated by the signature of that officer.

(*3*) One of the aforesaid copies of each agreement, license or plan shall be delivered to the Cantonment Magistrate, and the other shall be forwarded to the Quarter Master General for record at head-quarters.

Explanation.—In this sub-section "Quarter Master General" means, as regards cantonments in the Bengal Command, the Quarter Master General in India ; as regards cantonments in the Madras Command, the Quarter Master General, Madras, and as regards cantonments in the Bombay Command, the Quarter Master General, Bombay.

115. (*1*) If the occupier of any house fails to vacate the same on a requisition made by the grantee in pursuance of a notice issued under section 93 or section 95, the Cantonment Magistrate may by notice require him to vacate the house. [Bengal Act II of 1888, ss. 447 and 448.] (334, 335.) (See Cantonments Bill of 1888, s. 2[illegible] (11).) [Procedure where occupier fails to vacate house after issue of notice.]

(*2*) If the occupier refuses to obey any such notice,

(*a*) the grantee shall, during the continuance of the refusal, be discharged from liability for non-compliance with the notice served upon him, and

(*b*) the occupier shall be punishable with fine which may extend to fifty rupees, and with an additional fine which may extend to five rupees for every day after the first during which the refusal continues.

[Clause (28).] (845.)

116. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, after giving twenty-four hours' notice to the occupier or, if there is no occupier, to the grantee or owner of any land or building, at any time between sunrise and sunset,

Power of entry.

enter on the land or into the building for the purpose of resuming any land, or of compelling the vacation of any land or building, or of removing any building or any materials or collected for any building.

[Clause (31).] (39.) (See Cantonments Bill of 1888, s. 23 (4).)

117. For the purposes of this chapter, the word "house" includes the land and buildings appurtenant to the house; and if any question arises whether any land or building is appurtenant to the house, it shall be decided by the Cantonment Magistrate, and, subject to revision by the District Magistrate, his decision shall be final.

Meaning of "house."

CHAPTER X. [a]

COMMITTEES OF ARBITRATION.

[Clause (31).]

118. This chapter applies only in the case of houses situate on land occupied or held under the provisions of Chapter IX.

Application of chapter.

[Clause (31).] (410.) (See Cantonments Bill of 1888, ss. 23 (3), 25 (1).)

119. The Commanding Officer of the cantonment may, on the application of any person interested, convene a Committee of Arbitration in any of the following cases, namely:—

Cases in which Committee of Arbitration may be convened.

(*a*) where a notice has been served on a grantee requiring him to let a house to a military officer or a civil officer, and the grantee is aggrieved by the amount of rent offered, or

(*b*) where a grantee and his tenant, being a military officer or a civil officer, disagree as to any change in rent proposed in consequence of dilapidations or additions to buildings or for any similar reason, or

(*c*) where a tenant who is a military officer or a civil officer is unable to induce a grantee to execute reasonable repairs, or

(*d*) in any other case in which a grantee and his tenant, being a military officer or a civil officer, are unable to agree on any question relating to rent or repairs.

[Clause (31).] (413.)

120. The Commanding Officer of the cantonment may in his discretion refuse to convene a Committee of Arbitration on the ground that the application therefor is groundless or frivolous or for any other sufficient reason.

Grounds for refusing to convene Committee.

[Clause (31).] (408, 409, 412.)

121. (*1*) Whenever the Commanding Officer of the cantonment determines to convene a Committee of Arbitration, he shall cause an order to that effect to be published in Station Orders.

Procedure for convening Committee.

(*2*) Such order shall be published as soon as is convenient after the receipt of the application from the person at whose instance the Committee is convened.

(*3*) The Commanding Officer shall direct the Cantonment Magistrate to serve on the parties concerned a notice, containing a copy of the order aforesaid, stating the question to be decided, and requiring the parties to nominate members of the Committee in accordance with section 122.

(*4*) The Committee shall assemble within seven days of the completion, in the manner prescribed by section 122, of the appointment of the members.

[Clause (31).] (416.) (See Cantonments Bill of 1888, ss. 23 (3), 25 (1).)

122. (*1*) Every Committee of Arbitration shall consist of three persons, who shall be—

Composition of Committee.

(*a*) the District Magistrate or, when he is absent from the station, a Magistrate of the first class appointed by the District Magistrate to act in his stead;

(*b*) a person to be nominated by the military officer or civil officer concerned; and

(*c*) a person to be nominated by the grantee concerned:

(*2*) Provided that, whenever any person bound hereby to nominate a member of a Committee fails to make such nomination within seven days from the service of a notice under section 121, or whenever any person so nominated neglects or refuses to act, the Commanding Officer of the cantonment shall forthwith appoint some person to be a member of the Committee in his stead:

(See Cantonments Bill of 1888, s. 27.)

(*3*) Provided also that any person to be nominated or appointed a member of a Committee of Arbitration must be a person who is not directly or indirectly interested in the matter under reference, and whose services are immediately available for the purposes of the Committee, and that the nomination of any person who is so interested, or whose services are not so available, shall be deemed to constitute a failure to make a nomination.

[Clause (31).] (417.) (See Cantonments Bill of 1888, ss. 23 (4), 25 (2).)

123. The District Magistrate or the Magistrate appointed by him to act in his stead shall be the president of the Committee.

President.

[Clause (31).] (311.)

124. (*1*) For the purpose of determining the amount of the monthly rent to be paid for any house, a Committee of Arbitration shall ascertain the capital cost of all buildings and authorised additions as registered in the register of occupation maintained under Chapter XII, and shall deduct from such capital cost such sum on account of dilapidations as shall be assessed by the Executive Engineer.

Calculation of rent.

(*2*) The amount of rent determined upon shall be a percentage on such capital cost *minus* such deduction as aforesaid, and such percentage shall be the percentage certified by the District

[a] This chapter shows the cases where Committees of Arbitration may be convened, how they are to be composed and by what rules their proceedings are to be guided. The rules aim at ensuring a result which shall be both fair to each party and effective.

Magistrate to be customarily paid for the time being in the neighbourhood by tenants.

Explanation 1.—" Capital cost " includes any reasonable price at which an estate has been purchased.

Explanation 2.—The percentage certified by the District Magistrate shall include the taxes (if any) levied upon the land, or such proportion thereof as the District Magistrate may certify to be customarily paid for the time being in the neighbourhood by tenants.

[Clause (31).] (419, 420.) (See Cantonments Bill of 1888, ss. 23, 25 (3).)

Decision to be by vote.

125. (*1*) The decision of every Committee of Arbitration shall be determined by the majority of the votes of the members present at a meeting of which notice of the time and place therefor has been served on each of the members of the Committee.

(*2*) If only two members attend a meeting as aforesaid, and there is an equality of votes, the president shall have a second or casting vote.

[Clause (31).] (421, 422.)

President's report.

126. (*1*) The president shall, as soon as may be convenient, forward to the Commanding Officer of the cantonment a report signed by himself in which the grounds for the decision of the Committee shall be clearly specified.

(*2*) The report shall contain a statement that, previous to the submission thereof, the president invited each member of the Committee to record thereon under his signature, within seven days of such invitation, any dissent from the report.

(*3*) If no dissent is so recorded, it shall be presumed that all the members have agreed to the decision contained in the report.

[Clause (31).] (424.)

Requisition on grantee to carry out repairs, and tenant's right to do so in default and to recover expenses.

127. (*1*) Whenever a Committee of Arbitration has decided that repairs are necessary, and the extent to which they are necessary, the Commanding Officer of the cantonment shall forward the president's report, as soon as may be after the receipt thereof, to the Cantonment Magistrate, and the Cantonment Magistrate shall thereupon by notice require the grantee, concerning whose land or buildings the report has been made, to make such repairs in accordance with the decision, within a period to be specified in the notice.

(See Cantonments Bill of 1888, s. 25 (5), (6).)

(*2*) If the grantee fails to comply with the notice within the period specified therein, the tenant may, if he so desires, make the repairs himself, and may deduct the expense thereof from the rent, or otherwise recover it from the grantee; but in that case the grantee shall not be punishable for breach of the notice.

CHAPTER XI. ([a])

ESTATE AGENCY.

[Clause (27).] (404.)

Obligation of absentee owner to appoint agent.

128. Every absentee owner shall appoint as his agent some person who resides within the cantonment or within ten miles thereof, or within such further distance therefrom as the Cantonment Authority may, by order, specify in this behalf.

([a]) The object of this chapter is to obviate the inconvenience caused where no one can be found who can be rapidly communicated with and required to carry out directions given under the Code.

[Clauses (27) and (31).] (405.)

Presumption as to agency.

129. (*1*) Whenever the Cantonment Magistrate becomes aware that an absentee owner has not appointed an agent as required by the last foregoing section, he may by notice require any person hereinafter referred to to act as the agent of the absentee owner or show cause why he should not be required so to act.

(*2*) A notice under sub-section (*1*) may be served on any person who is residing within the cantonment, or within such distance therefrom as is prescribed by or under the last foregoing section, and who

(*a*) is proved to the satisfaction of the Cantonment Magistrate to be doing, or to have recently been doing, any of the following things with respect to any building or land belonging to or under the control of the absentee owner, namely:

(*i*) making repairs,

(*ii*) acting as care-taker,

(*iii*) giving or taking a lease,

(*iv*) receiving or paying rent, or

(*v*) acting as agent, representative or owner; or

(*b*) is occupying the estate in respect of which an agent has not been appointed.

Illustration 1.—Any person who negotiates a lease on behalf of another acts as an agent.

Illustration 2.—Any person who intervenes between an owner and a third party in respect of any matter regarding an estate acts as a representative.

Illustration 3.—Any person who fells timber, sells grass or keeps up a garden acts as an owner.

Clauses (27) and (31).] (406.)

Acceptance and termination of agency.

130. (*1*) If any person on whom a notice under section 129 has been served—

(*a*) fails to show cause why he should not act as agent, or

(*b*) makes no objection within the time specified in the notice to acting as agent,

he shall be deemed to be the agent of the absentee owner, and shall be registered as such in the register of occupation or the register of private land (as the case may be) maintained under Chapter XII.

(*2*) Where a person has become an agent under this section, he shall no longer be deemed to be, or be registered as, such agent whenever he—

(*c*) ceases to reside within the cantonment or within such distance therefrom as is prescribed by or under section 128, or

(*d*) shows cause to the satisfaction of the Cantonment Magistrate why he should not be required to act as agent.

[Clause (27).] (407.)

Notice to appoint agent.

131. In either of the following cases, namely:

(*a*) where no person can be found under the procedure prescribed by section 129 to act as agent, or

(*b*) where any person has ceased to be an agent under the circumstances mentioned in sub-section (*2*) of section 130,

the Cantonment Magistrate shall cause a notice to be served on the absentee owner requiring him to appoint some person residing within the cantonment, or within such distance therefrom as is prescribed by or under section 128, to be his agent.

CHAPTER XII. [a]

REGISTRATION OF IMMOVEABLE PROPERTY.

Plans.

[*Clause* (*3*).] (336, 337.)

General plan.

132. The Executive Engineer shall maintain a general plan of the cantonment on a scale of twenty-four inches to the mile showing all necessary details, and distinguishing in particular—

(*a*) all houses (if any) which have been set apart under section 95 for occupation by civil officers, and

(*b*) all land (if any) which does not belong to the Government, and all houses (if any) situate thereon.

[*Clause* (*3*).] (339.)

Bazar plans.

133. The Cantonment Authority shall maintain a plan on a scale of eighty-eight feet to the inch of each bazar in the cantonment.

[*Clause* (*3*).] (340, 345, 346.)

Estates and streets to be distinguished.

134. (*1*) Every site or estate shall be shown on the appropriate plan under a distinguishing number, and the numbers for each bazar shall form a separate series.

(*2*) Every street shall be shown on the appropriate plan by its name or under an alphabetical letter or under a number.

[*Clause* (*3*).] (35, 341—344.)

Dating and authentication of plans.

135. (*1*) Every plan prepared under this chapter shall on completion be dated, and be authenticated by the signature of the Executive Engineer.

(*2*) Whenever a general plan is altered, the alteration shall be explained on the plan in a memorandum dated and signed by the Executive Engineer.

[*Clause* (*6*).]

Preservation of site-plans.

136. The Cantonment Magistrate shall preserve in his office every copy of a site-plan delivered to him under section 114.

[*Clause* (*3*).] (341.)

Plans not to be destroyed without sanction.

137. No plan relating to land in a cantonment shall be destroyed without the previous sanction of the Governor General in Council.

Registers.

Register of occupation.

138. The Cantonment Magistrate shall maintain a register of occupation, showing, in regard to all land (outside bazars) held by grantees (whether the grant was made before or after the commencement of this Code), and the houses situate thereon, the following particulars, namely: [*Cla*… (34…

(1) the name of the cantonment;

(2) a reference to any similar register kept before the commencement of this Code;

(3) the date of registry of the site,

(4) the number of the site as shown on the general plan;

(5) the dimensions of the site;

(6) in the case of grants made before the commencement of this Code, the date of the permission to occupy the site and the date of the agreement (if any) executed by the grantee under Chapter IX, and

in the case of grants made after the commencement of this Code, the date of the agreement executed by the grantee under Chapter IX;

(7) the name and description of the grantee at the time of registry;

(8) the name and description of the grantee's agent at the time of registry;

(9) the nature of the grantee's right—

(*a*) under this Code, or

(*b*) under any other law, including particulars of any special right of occupancy;

(10) the value of buildings on the site at the time of registry;

(11) the dates of authorities to add to buildings and;

(12) particulars of changes occurring from time to time, whether—

(*a*) by assignment,

(*b*) by alterations or additions,

(*c*) by decisions of Committees of Arbitration,

(*d*) in dimensions,

(*e*) in value, or

(*f*) in agency.

Register of bazars.

139. The Cantonment Magistrate shall maintain a register of bazars, showing, in regard to all land in bazars (whether occupied before or after the commencement of this Code), and the houses situate thereon, the following particulars, namely: [*Clause* (… (349.)

(1) the name of the bazar;

(2) the date of registry of the site;

(3) the number of the site, as shown on the bazar plan;

(4) the dimensions of the site;

(5) in the case of grants made before the commencement of this Code, the date of the permission to occupy the site, and

---

[a] To preserve the property of the Government in the land from becoming alienated in the course of years, the maintenance of proper plans and the careful registration of all sites granted and of all changes in occupancy are of the utmost importance. This chapter aims at providing as many safeguards as possible in these directions in order to counterbalance, as far as may be, the serious results which so frequently occur to the Government from ignorance, laziness or negligence in these important matters.

in the case of grants made after the commencement of this Code, the date of the license given to, or of the agreement executed by, the grantee under Chapter IX;

(6) the name and description of the grantee at the time of registry; and

(7) particulars of changes occurring from time to time by assignment.

[*Clause* (3).] (350, 351.)

Register of private land.

140. The Cantonment Magistrate shall maintain a register of private land showing, in regard to all land (if any) which is private property, and the houses situate thereon, the following particulars, namely:

(1) the name of the cantonment;

(2) a reference to any similar register kept before the commencement of this Code;

(3) the date of registry of the estate;

(4) the number of the estate as shown on the general plan;

(5) the dimensions of the estate;

(6) the name and description of the owner at the time of registry;

(7) the name and description of the owner's agent at the time of registry;

(8) particulars of the owner's right, namely:

(*a*) reference to any acknowledgment by the Government, or

(*b*) reference to any other proof; and

(9) particulars of changes occurring from time to time, whether—

(*a*) by assignment,

(*b*) by alterations or additions,

(*c*) in dimensions, or

(*d*) in agency,

[*Clause* (3).] (352.)

Register of assignments.

141. (*1*) The Cantonment Magistrate shall maintain a register of assignments, in which he shall from time to time enter references to all assignments of immoveable property—

(*a*) registered in his own office, where he is himself sub-registrar or registrar of the cantonment, or

(*b*) appearing in the copies forwarded to him by the registrar of the district under section 32, sub-section (*2*), of the Cantonments Act, 1889, XIII of 1889.

as the case may be.

(*2*) The register of assignments shall contain the following particulars, namely:

(*a*) a serial number for each assignment;

(*b*) the date of registry;

(*c*) the distinguishing number of the estate or site as recorded in the register of occupation, the register of bazars or the register of private land, as the case may be;

(*d*) the name of the assignor;

(*e*) the name of the assignee;

(*f*) the nature of the assignment, namely:

(*i*) sale,

(*ii*) mortgage,

(*iii*) gift,

(*iv*) exchange, or

(*v*) bequest,

(*g*) the date of the assignment; and

(*h*) where the cantonment has been constituted a sub-district or district for the purposes of the Indian Registration Act, 1877, references to the Indexes No. I, No. II and No. III kept in the cantonment under sections 54 and 55 of that Act. III of 1877.

Reference in other registers to the register of assignments.

142. Reference, when possible, to serial numbers in the register of assignments shall be sufficient record in the register of occupation, the register of bazars or the register of private land of changes made by assignment. [*Clause* (3).] (355.)

Annual inspection of register of occupation, register of bazars and register of private land.

143. The Cantonment Authority shall make an inspection of the register of occupation, the register of bazars and the register of private land in the month of July in each year, on such day as it may by notice determine, and shall ascertain whether all the changes referred to in clause (*12*) of section 138 or in clause (9) of section 140 which have taken place during the last preceding twelve months have been duly entered in the appropriate register. [*Clause* (3).] (358.)

Power to require information in view to the proper maintenance of such registers.

144. (*1*) The Cantonment Magistrate may by notice require all grantees, owners or occupiers to furnish him with all information necessary for the proper maintenance of the register of occupation, the register of bazars and the register of private land, and may make all necessary enquiries with respect to changes affecting any of those registers, and may by notice— [*Clause* (3).] (359, 360.)

(*a*) require any grantee, owner or occupier, or any adult dweller in any house, to answer within a specified time any such enquiries, and

(*b*) require proof, by documentary or other evidence, of the truth of any verbal or written statement or answer made or given to him under this section.

(*2*) The Cantonment Magistrate may by order in writing delegate to any one or more such persons as the Cantonment Authority may approve all or any of the powers conferred upon him by this section.

Power of Entry.

Power of entry.

145. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, after giving twenty-four hours' notice to the occupier or, if there is no occupier, to the grantee or owner of any land or building, at any time between sunrise and sunset, [*Clause* (28).] (845.)

enter on the land or into the building for the purpose of enquiring into occupation, ownership, agency or rights, or into any other matter required to be entered in the register of occupation, the register of bazars or the register of private land.

PART IV.

THE PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER XIII. [a]

SANITARY SUPERVISION.

[*Clause* (31).] (475, 483.)

Division of responsibility for sanitation.

146. In every cantonment the following officers shall, for the purposes of sanitation, have control over, and shall be responsible for the sanitary condition of, the parts of the cantonment mentioned or referred to opposite their names respectively, namely:

(*a*) the Officer Commanding the Royal Artillery (if any), and the Commanding Officer of each regiment or battalion permanently or temporarily quartered in the cantonment;	his regimental lines, including the regimental bazar and all latrines used by the troops and followers under his command or control:
(*b*) the Executive Engineer;	all yards, works, workshops and other places used by establishments under his charge, and all Christian burial-grounds:
(*c*) the executive officer of the commissariat department;	all transport-lines, cattle-yards, slaughter-houses, bakeries and other places used by establishments under his charge:
(*d*) the head of any other military department occupying as such any part of the cantonment;	all blocks of buildings, workshops and other places used by establishments under his charge:
(*e*) the Cantonment Magistrate;	the Sudder Bazar, all streets and all other parts of the cantonment not under the control of any officer mentioned in clause (*a*), clause (*b*), clause (*c*) or clause (*d*).

[*Clause* (31).] (476—478, 482.)

Weekly sanitary report.

147. (*1*) Every officer mentioned in clauses (*a*) to (*e*) (both inclusive) of section 146 shall forward to the Commanding Officer of the cantonment a weekly sanitary report, stating that the parts of the cantonment over which he has control as aforesaid have been inspected by him, and are, in his opinion, in a sanitary condition or otherwise, as the case may be.

(*2*) Whenever any such officer reports that any part of the cantonment under his control as aforesaid is not in his opinion in a sanitary condition, he shall specify the defects and may make such suggestions for remedying the same as he thinks fit.

(*3*) The weekly sanitary reports of the officers mentioned in clauses (*a*) to (*d*) (both inclusive) of section 146 shall be forwarded through the Cantonment Magistrate.

(*4*) Where there is a Cantonment Committee, every weekly sanitary report shall be laid before the Committee at the first meeting held after the receipt of the report.

Duties and powers of Sanitary Officer.

148. (*1*) The Sanitary Officer shall exercise a general sanitary supervision over the whole cantonment, and shall report every insanitary practice and every insanitary condition of things, whenever or wherever existing therein, both to the officer responsible under section 146 and to the Cantonment Authority, and shall attach to his report such recommendations for the remedy of the same as he may consider suitable: [*Clause* (31).]

(*2*) Provided that when the remedy is within the power of the officer responsible under section 146, and that officer intimates to the Sanitary Officer that he intends to apply a suitable remedy, the Sanitary Officer may at his discretion defer making any report to the Cantonment Authority.

(*3*) If any recommendation made to the Cantonment Authority by the Sanitary Officer is not carried into effect within a reasonable time, the Sanitary Officer may request the Cantonment Authority to forward a copy of his report to the Officer Commanding the district, and shall at the same time himself send a copy of the report to the Deputy Surgeon-General of the district.

(*4*) The Cantonment Authority on receiving such a request shall forthwith forward a copy of the report, together with any remarks it may wish to make, to the Officer Commanding the district.

Cantonment Magistrate's duties in respect of sanitation.

149. It shall be the duty of the Cantonment Magistrate,— [*Clause* (6).] (484.)

(*a*) subject to the provisions of this Code, to make, and supervise the carrying out of, all arrangements (including the provision and maintenance of a sufficient number of animals, vehicles, receptacles and implements, and of places for keeping the same) necessary for—

(*i*) the removal of night-soil and other offensive matter and rubbish from latrines, urinals, streets and all other places, public and private, from which the removal of the same by the public conservancy establishments is directed by the Cantonment Authority,

---

(a) This chapter provides for a complete sanitary supervision (1) by continuing the present system (under more carefully defined rules) of making some one officer directly responsible for all sanitary matters within each portion of the cantonment; (2) by requiring that all that portion of the cantonment which is directly in the Cantonment Magistrate's charge shall be divided into conservancy blocks, with a conservancy overseer, whose duties are carefully detailed, over each block; and (3) by requiring a Sanitary Officer to exercise a general sanitary supervision over the whole cantonment, making him responsible for bringing to the notice of the Cantonment Authority every insanitary practice and every insanitary condition of things, and giving him large powers for ensuring that his recommendations are attended to.

The Sanitary Officer will recommend, the Cantonment Authority order, and the Cantonment Magistrate carry out, sanitary measures.

(*ii*) the surface cleansing of all streets and public places, and

(*iii*) the maintenance in a sanitary condition of public and private privies, latrines and urinals, of all sources of water-supply and the lands in the vicinity thereof, of markets, slaughter-houses, places for the disposal of the dead, encamping-grounds, sarais and fair grounds, of all other places likely to create a nuisance, and generally of every part of the cantonment;

(*b*) to make frequent inspections of all parts of the cantonment with a view to ensuring that all orders of the Cantonment Authority on sanitary matters are duly obeyed, and that all conservancy establishments satisfactorily perform their duties; and

(*c*) subject to the provisions of this Code and to the control of the Cantonment Authority, to take all necessary steps for remedying any defects in the sanitary condition of the cantonment of which he may become aware.

Clause (31).] (479, 480.)

Reports by conservancy overseers.

150. (*1*) The parts of the cantonment referred to in clause (*e*) of section 146 shall be divided for conservancy purposes into as many blocks as the Cantonment Authority may direct, and a conservancy overseer shall be placed in charge of each block.

(*2*) Every conservancy overseer shall report daily to the Cantonment Magistrate on the sanitary condition of his block.

[Clause (31).] (481.)

Duties of conservancy overseers.

151. The duties of every conservancy overseer shall include the following, namely:

(*a*) to visit daily every latrine and urinal in his block;

(*b*) to ascertain whether each such latrine and urinal is in a sanitary condition, and whether any prescribed rules as to the use of dry earth, tar or any other deodorant, or as to any other like matter, are duly observed;

(*c*) to ascertain whether all receptacles, utensils and other conservancy appliances are complete and in good repair, and cleaned, tarred or deodorized in the prescribed manner;

(*d*) to ascertain whether the prescribed arrangements for the removal of night-soil and other offensive matter and rubbish have been properly carried out, and whether the sweeper attached to any latrine is present;

(*e*) to inspect all vessels, carts or other vehicles employed by the Cantonment Authority for the removal of night-soil and other offensive matter, and to ascertain whether they are in good repair, and properly tarred or deodorized;

(*f*) to visit daily all such trenches and other places for the deposit or disposal of night-soil and other offensive matter and rubbish as may be placed under his charge, and to ascertain whether all rules as to the deposit and disposal of night-soil and other offensive matter and rubbish are duly observed;

(*g*) to see that all streets in his block have been properly swept;

(*h*) to bring to the notice of the Cantonment Magistrate the commission of any offence which is punishable under Chapter XIV, XV, XVI, XVII, XXI or XXVII; and

(*i*) to report to the Cantonment Magistrate any neglect of duty on the part of any sweeper or other servant of the public conservancy establishments.

CHAPTER XIV. ([a])

CONSERVANCY AND DRAINAGE.

Conservancy.

Private privies, latrines and urinals to be under control of Cantonment Authority.

152. All private privies, latrines and urinals, wheresoever situated within a cantonment, and all receptacles and utensils used in connection therewith, shall be under the survey and control of the Cantonment Authority. *[Bengal Act III of 1884, s. 190.]* (438.)

Prohibition of cesspools.

153. (*1*) The Cantonment Authority shall not authorise the making or use of any cesspool in the cantonment. *[Clause (31).*

(*2*) The Cantonment Authority may by notice require the grantee, owner or occupier of any land or building to close any cesspool belonging to the land or building and to provide a proper receptacle in lieu thereof. *[Clause (13).]*

Power to prevent private privy, latrine or urinal being put to public use.

154. The Cantonment Authority may by notice require the owner of any privy, latrine or urinal not to put the same to public use. *[Clause (13).]* (439.)

Provision of privies, latrines and urinals on private premises.

155. (*1*) The Cantonment Authority may by notice require the owner or occupier of any building to provide, in such manner as it may direct, any privy or urinal, or additional privies or urinals, which should in its opinion be provided for the building. *[Madras Act I of 1884, s. 280, and Act XVIII of 1889, s. 69.]* (440, 441.)

(a) This chapter provides—

(*1*) that no latrine, either public or private, shall be constructed in cantonments, except on the standard plan approved for the purpose by the Commander-in-Chief;

(*2*) that the provision of an insufficient number of latrines or receptacles, which causes both insanitation and hardship to the people, shall be prohibited; and

(*3*) that, in the arrangements for *removal* of offensive matter to the place of *disposal*, the removal establishments shall not be allowed to fall below a certain fixed scale, such scale being that which is now recognised by all sanitary authorities as the absolute minimum at which sanitation can be expected.

The above deal with the three main causes to which are to be attributed the gravest of the evils under which cantonment conservancy at present labours.

The chapter also gives the widest powers at present allowed by the law to compel private persons to conform to those rules which sanitary science now demands as necessary for their well being. These powers are selected from the enactments in force in the principal municipalities of India, and consequently are such as all dwellers in towns are accustomed to.

(*2*) The Cantonment Authority may by notice require any person employing more than twenty workmen or labourers for any period exceeding one month, or any person being the grantee, owner or occupier of any land on which a block of six or more huts stands, to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleansed.

[*Act XVIII of 1889, s. 69.*] (442.)

Protection of private privies.

156. The Cantonment Authority may by notice require the owner, grantee or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as it may direct, any door or trap-door of a privy opening on to any street.

[*Act XVIII of 1889, s. 70 (2), and Clauses (13) and (31).*] (443, 444.)

Control over construction of new private privies, latrines and urinals.

157. (*1*) No new private privy, latrine or urinal shall be constructed in any cantonment, and no existing private privy, latrine or urinal shall be rebuilt, except on the approved standard plan.

(*2*) No private privy, latrine or urinal which has been newly constructed or rebuilt shall be opened for use until it has been inspected by the Cantonment Magistrate and passed by him as conforming, in respect both of the manner in which it is constructed and of the utensils with which it is supplied, with the approved standard plan.

(*3*) The Cantonment Authority may by notice require any person who constructs, rebuilds or opens any privy, latrine or urinal without its permission in writing or contrary to its directions or to the provisions of this section, or

who opens, constructs or rebuilds any privy, latrine or urinal which the Cantonment Authority has ordered to be removed or not to be made,

to remove the privy, latrine or urinal, or to make such alteration therein as it may think fit.

Explanation.—"The approved standard plan" means a standard plan for the construction and furnishing of privies, latrines or urinals which has been approved by the Commander-in-Chief. Copies of such plans will be obtainable on application to the Cantonment Magistrate.

[*Clause (13).*]

Removal of insanitary private latrine or urinal.

158. (*1*) If any private latrine or urinal fails, in the opinion of the Cantonment Authority, whether by reason of the manner in which it is constructed or of the manner in which it has been kept, or for any other reason, to comply with the requirements of sanitary knowledge, and is in consequence likely to create a nuisance, the Cantonment Authority may by notice require the grantee or owner of the land or building to which it belongs to remove it, and to substitute fresh earth, to a depth of two feet, for the earth on which the latrine or urinal stood:

(*2*) Provided that, where the insanitary condition of any such latrine or urinal is not fairly attributable to any neglect on the part of the said grantee or owner, the Cantonment Authority shall either—

(*a*) bear the whole cost of the construction of a new latrine or urinal to be substituted therefor, or

(*b*) provide in lieu thereof all necessary accommodation in a public latrine or urinal situate within a reasonable distance from the land or building.

[*Clause (13).*] (443.)

Cleansing, repair or alteration of private privy, latrine or urinal.

159. The Cantonment Authority may by notice require the owner, grantee or occupier of any building or land to cleanse or purify, or to repair or alter or put in good order, within a period to be specified in the notice, any privy, latrine or urinal belonging to the building or land, in such manner with respect to the site, materials, dimensions or construction thereof, the supply of utensils or of water thereto, or the use of disinfectants or deodorants therein, as may be prescribed in the notice.

[*Act XVIII of 1889, s. 93 and Clause (12).*] (448.)

Penalty for allowing offensive matter to flow or be put upon street or public place.

160. Whoever, without the written permission of the Cantonment Authority, causes or allows the water of any privy, urinal or sink, or any other offensive matter, to soak, flow, drain or be put upon any street or public place, shall be punishable with fine which may extend to twenty rupees and, in case of a continuing offence, with an additional fine which may extend to three rupees for every day after the first during which the offence continues.

[*Act XVIII of 1889, s. 66 (1).*] (849.)

Employment of public sweepers.

161. The Cantonment Authority may, with respect to any building or land, or to any privy, latrine, urinal or other receptacle for offensive matter pertaining to any building or land, provide for the performance by its agents of the duties usually performed by sweepers,—

(*a*) with the consent of the occupier of the building or land, upon any terms that may be agreed upon between them, or

(*b*) without such consent, if the occupier fails to make arrangements to the satisfaction of the Cantonment Authority for the performance of such duties, upon any terms it may think fit to impose.

[*Bengal Act II of 1888, s. 310.*] (492-494.)

Provision and maintenance of public latrines and urinals.

162. (*1*) The Cantonment Authority shall provide and maintain public latrines and urinals, and shall place them in proper and convenient situations as near as circumstances admit to the dwelling-places of the persons for whose use they are intended:

(*2*) Provided that, except with the sanction of the Commander-in-Chief, no public latrine or urinal shall be placed within fifty feet, and no trench latrine shall be placed within two hundred feet, of any inhabited building.

(*3*) Every public latrine and urinal shall be constructed either for the exclusive use of males or for the exclusive use of females, and, whenever any public latrine or urinal for the use of males is constructed so as to be under the same roof as a latrine or urinal for the use of females, it shall be so constructed as to be entirely separated therefrom.

[*Clause (31).*]

Rules as to provision of public latrines and establishments therefor.

163. (*1*) In the provision of public latrines, the Cantonment Authority shall be guided by the following rules, namely:

(*a*) such number of latrines shall be provided as will admit of there being one com-

partment for the use of every fifteen adult persons resorting to the latrines ;

(*b*) no latrine shall be constructed for the use of more than five hundred persons ;

(*c*) every latrine, other than a trench latrine, shall be provided with proper closed iron receptacles in the proportion of not less than two for every hundred persons using the latrine, and with one iron or glazed earthen pan for each compartment ;

(*d*) for every latrine, other than a trench latrine, there shall be provided, (*i*) for the cleansing thereof, sweepers in the proportion of not less than one for every hundred persons using the latrine, and, (*ii*) for the removal of night-soil therefrom, air-tight iron filth carts in the proportion of not less than one for every five hundred persons using the latrine, or, where carts cannot be used, sweepers in the proportion of not less than three for every five hundred persons using the latrine ;

(*e*) for every trench latrine, there shall be provided digging sweepers in the proportion of not less than one for every two hundred persons using the latrine :

(*2*) Provided that, if in any case it is impracticable, owing to want of funds or for any other sufficient reason, to observe the foregoing rules, the Commander-in-Chief may modify them to such extent as he may consider necessary.

(*3*) No public latrine shall be constructed or re-built in any cantonment except on a standard plan approved by the Commander-in-Chief.

[*Bengal Act II of 1888, s. 298.*] (497.)

Receptacles or places for temporary deposit of offensive matter and rubbish.

164. The Cantonment Authority shall, whenever necessary, provide and maintain in proper and convenient positions receptacles or places for the temporary deposit of offensive matter and rubbish.

[*Bombay Act III of 1888, s. 368, and Bengal Act II of 1888, ss. 298 and 299.*] (447, 449.)

Collection of offensive matter and rubbish for public removal.

165. (*1*) The Cantonment Authority may by notice require the owners, grantees or occupiers of any buildings or land in the cantonment to cause all offensive matter and rubbish to be collected from their respective buildings or land, and to be deposited (for removal by the public conservancy establishments), at such times and in such receptacles or places (whether provided under section 164 or not) as the Cantonment Authority may prescribe in the notice :

(*2*) Provided that no owner, grantee or occupier shall be required to deposit any offensive matter or rubbish in any receptacle or place situated at a greater distance than one hundred and fifty feet from the nearest boundary of his premises.

(*3*) If any person, after the issue of a notice under sub-section (*1*), deposits, or causes or permits to be deposited by his servants or by any other person, any offensive matter or rubbish in any place not prescribed by the notice, he shall be punishable with fine which may extend to ten rupees.

Penalty for not removing, or improperly removing, offensive matter or rubbish, or for keeping filth receptacle in a noxious state.

166. (*1*) Whoever, being the owner, grantee or occupier of any building or land, [*Act XVIII of 1889, s. 94, and Clause (12).*] (451, 452.)

keeps, or allows to be kept, for more than twenty-four hours, or

keeps, or allows to be kept otherwise than in some proper receptacle, of a pattern (if any) approved by the Cantonment Authority,

any night-soil or other offensive matter or any rubbish in or upon the building or land, or

suffers any such receptacle to be in a filthy or noxious state, or

neglects to employ proper means, approved or prescribed by the Cantonment Authority, for cleansing and purifying the same, or

neglects to cause the contents thereof to be removed at the time or in the manner approved or prescribed as aforesaid,

shall (unless the act or neglect is attributable to any sweepers provided by the Cantonment Authority under section 161) be punishable with fine which may extend to twenty rupees.

(*2*) Whoever, being the owner, grantee or occupier of any building or land, deposits, or causes or suffers to be deposited, in any such receptacle as aforesaid any matter (except as a deodorant) other than that for which the receptacle is intended to be used shall be punishable with fine which may extend to ten rupees. [*Madras Act I of 1884, s. 312.*] (451.)

Removal and disposal by Cantonment Authority of offensive matter, rubbish and carcasses.

167. The Cantonment Authority shall appoint places for the disposal of night-soil and other offensive matter and rubbish, and of the carcasses of animals, and [*Act XVIII of 1889, s. 55.*] (486.)

may, by public notice, which may be general for the whole cantonment or special for any portion thereof specified in the notice, give directions as to the route, time, manner and conditions by, at, in and under which offensive matter, rubbish and carcasses may be removed to such places.

Vesting in Cantonment Authority of offensive matter and rubbish removed by its servants.

168. All night-soil and other offensive matter and rubbish removed by the servants of the Cantonment Authority under this chapter shall belong to the Cantonment Authority. [*Act XX of 1891, s. 117.*]

Penalty for careless removal of offensive matter or rubbish.

169. Whoever, being engaged in the removal of night-soil or other offensive matter or rubbish, neglects to sweep away or otherwise effectually remove any portion thereof that may fall or spill on to any street or public place shall be punishable with fine which may extend to ten rupees. [*Clause (12).*] (490.)

Penalty for detaining filth cart or receptacle in street or public place.

170. Whoever causes or permits any cart or receptacle used for the removal of night-soil or other offensive matter or rubbish to be detained longer than is reasonably necessary in any street or public place shall be punishable with [*Clause (12).*] (491.)

fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

[Bombay Act III of 1888, ss. 385 and 471.] (487, 488.)

Further provisions as to removal and disposal of carcasses.

171. (*1*) If any person, being the occupier of any building or land in or upon which an animal dies, or in or upon which the carcass of an animal is found, or having the charge of an animal which dies in a street or public place, neglects within three hours after the death of the animal, or, if the death occurs at night, within three hours after sunrise, either—

(*a*) to remove and dispose of the carcass in accordance with any directions given by notice under section 167, or

(*b*) to report the death of the animal, with a view to the removal and disposal of the carcass, to the Cantonment Magistrate or to some officer (if any) appointed by him to receive such reports,

he shall be punishable with fine which may extend to ten rupees.

(*2*) The Cantonment Authority may cause the carcass of any animal to be removed and disposed of at any time after three hours from the death of the animal, or, if the death occurs at night, after three hours from sunrise, with or without the consent of the person who is or has been in charge of the animal or its carcass.

(*3*) Whenever any carcass is so removed and disposed of by the Cantonment Authority, the person who is or has been in charge of the animal or its carcass shall pay such sum (if any) to the Cantonment Authority for the removal of the carcass as that Authority may have prescribed by notice under section 167.

[Clause (12).] (489.)

Penalty for depositing carcass in street or public place.

172. Whoever, by himself or his servant, or by any other person, deposits, or causes or permits to be deposited, the carcass of any animal in any street or public place, except after making the report prescribed in section 171, shall be punishable with fine which may extend to ten rupees.

Drainage.

(Bombay Act III of 1888, s. 233.) (459.)

Powers where private drain is not adapted to the general drainage system of the cantonment.

173. (*1*) Where a drain connecting any building or land with a public drain is sufficient for the effectual drainage of the said building or land, and is otherwise unobjectionable, but is not, in the opinion of the Cantonment Authority, adapted to the general drainage system of the cantonment,

the Cantonment Authority may discontinue or destroy the said drain, and cause any work necessary for that purpose to be done;

but shall in that case provide another drain which shall effectually drain the building or land and be in communication with a public drain.

(*2*) All expenses incurred under this section shall be paid by the Cantonment Authority.

[Madras Act I of 1884, s. 273, and Bengal Act II of 1888, s. 277.] (462, 464.)

Power to require proper drainage of building or land insufficiently drained.

174. If any building or land within one hundred feet of a public drain, or of some other place set apart for the discharge of drainage, is at any time not drained to the satisfaction of the Cantonment Authority by a sufficient drain or pipe communicating with a public drain or other place as aforesaid,

the Cantonment Authority may by notice require the owner or grantee of the building or land, within fifteen days after the service of the notice, to construct or lay from the building or land a covered or open drain or pipe of such materials, size and description, at such level and with such fall, as the Cantonment Authority may consider necessary for the drainage of the building or land,

and, for the purpose of efficiently draining any building or land, may by notice require any courtyard, alley or passage between two or more houses to be raised, or to be paved with such materials, and to be kept in proper repair in such manner, as it may specify in the notice.

[Bengal Act II of 1888, s. 282.] (466.)

Power to compel drainage of group of buildings by a combined operation.

175. If it appears to the Cantonment Authority that any group or block of buildings belonging to separate owners might be drained more economically or advantageously in combination than separately, and a drain of sufficient size already exists or is about to be constructed within one hundred feet of any part of the group or block of buildings, the Cantonment Authority may by notice require the group or block of buildings to be drained by a combined operation;

and may, by the same notice, require the expenses of the work to be paid by the owners or grantees of the buildings or of the land on which they stand in such proportions as may to the Cantonment Authority seem fit:

Provided that, not less than fifteen days before any work under this section is commenced, the Cantonment Authority shall give to each owner or grantee concerned an estimate of the expenses about to be incurred in respect of such work and the proportion payable by each owner or grantee.

[Bombay Act III of 1888, s. 230.] (468.)

Authority to occupiers of estates to carry drains through land occupied by other persons.

176. (*1*) If it appears to the Cantonment Authority that the only means, or the most convenient means, by which the owner or grantee of any building or land can cause any drain leading therefrom to empty into a public drain is by carrying the same into, through or under land belonging to or occupied by some person other than the said owner or grantee,

the Cantonment Authority, after giving that person a reasonable opportunity of stating any objection, may,

if no objection is raised, or if any objection which is raised appears to the Cantonment Authority to be invalid or insufficient,

by notice require that person to permit the said owner or grantee to carry any such drain as aforesaid into, through or under his land in such manner as may be specified in the notice.

(*2*) After the service of the notice the Cantonment Authority may, by order in writing, authorise the said owner or grantee to carry his drain into, through or under the said land in the manner aforesaid,

and every such order shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose,

after giving to the owner or occupier of the land reasonable written notice of his intention so to do, to enter upon the land with assistants and workmen at any time between sunrise and sunset, and to construct the said drain,

and thereafter, upon the necessity arising and after the like notice, to repair and alter the same, or to construct a new drain in place thereof, in such manner and at such times as may be specified in any notice issued by the Cantonment Authority in that behalf.

[*Bengal Act II of 1888, s. 278.*] (471.)

Power to complete private drains by carrying them through public land.

177. The Cantonment Authority may, after notice, lay down and construct such portions of the drains referred to in section 174 and section 175 as require to be carried through or under any public drain, aqueduct or street, and may by the said notice require the expenses thereby incurred to be paid by such of the persons referred to in those sections as are specified in the notice.

[*Bombay Act III of 1888, s. 243.*] (456.)

Covering of private drain.

178. The Cantonment Authority may by notice require the owner of any drain to provide and apply to the same within ten days after the service of the notice such covering as may be prescribed in the notice.

[*Bengal Act II of 1888, s. 281.*] (470.)

Power to control construction of private drain.

179. When any drain is being constructed or laid by a private person, the Cantonment Authority may cause the work to be supervised while in progress by or under the orders of the Executive Engineer,

and from time to time during the progress of the work may, upon the advice of the Executive Engineer, by notice require any such person to make any reasonable alterations in the drain or additions thereto, or to abandon any part or parts of the work whenever a requisition to that effect appears upon such advice to be necessary to secure the complete and satisfactory execution of the work.

[*Act XVIII of 1889, s. 95.*] (460, 461.)

Penalty for making or altering without permission a drain leading into a public drain.

180. Whoever without the permission in writing of the Cantonment Authority makes or causes to be made, or alters or causes to be altered, any drain leading into any of the public drains shall be punishable with fine which may extend to fifty rupees.

[*Bombay Act III of 1888, ss. 240 and 471.*]

Penalty for carrying a private drain under a building.

181. Whoever, except with the written permission of the Cantonment Authority, causes a drain to be so constructed as to pass beneath any part of a building shall be punishable with fine which may extend to fifty rupees.

[*Act XVIII of 1889, s. 70 (2).*] (444.)

Removal or alteration of private drain constructed or opened without authority.

182. The Cantonment Authority may by notice require any person who constructs any new drain without its permission in writing or contrary to its directions or to the provisions of this Code,

or who opens or constructs any drain which the Cantonment Authority has ordered to be removed or stopped up or not to be made,

to remove the drain or to make such alteration therein as it thinks fit.

[*Bengal Act II of 1888, s. 287.*] (455.)

Removal of obstruction from private drain.

183. If any private drain is obstructed, the Cantonment Authority may by notice require the occupier of the building or land in or on which the drain is situated to cause the obstruction to be removed within six hours after the service of the notice.

[*Clause (13).*] (443.)

Cleansing, repair or alteration of private drain.

184. The Cantonment Authority may by notice require the owner, grantee or occupier of any building or land to cleanse or purify, or to repair or alter or put in good order, within a period to be specified in the notice, any drain belonging thereto.

[*Bombay Act III of 1888, s. 226.*] (467.)

Maintenance of drain kept up for the benefit of certain premises only.

185. Whenever any drain in, alongside of or under any street is constructed or continued, whether at the cost of the Cantonment Fund or not, for the sole use and benefit of any building or land adjoining or near to the street, the Cantonment Authority may by notice require the owner, grantee or occupier of the said building or land to repair, flush, cleanse or empty the drain or to take such other order therewith as the Cantonment Authority may deem necessary.

[*Madras Act I of 1884, s. 274.*] (472.)

Construction and maintenance of road-side culverts.

186. The Cantonment Authority may by notice require the owners, grantees or occupiers of buildings or land fronting or abutting on any street to construct, alter or maintain, within fifteen days after the service of the notice, culverts, of such plan, size and material as the Cantonment Authority may prescribe, over the drains at the entrances to their buildings or land.

[*Act XVIII of 1889, s. 106.*] (436.)

Penalty for altering, obstructing or encroaching upon public drain.

187. Whoever without the permission of the Cantonment Authority alters, obstructs or encroaches upon any public drain shall be punishable with fine which may extend to fifty rupees.

Powers of Entry and Inspection.

[*Clause (28).*] (849(2).)

Power to enter where public sweepers employed.

188. Whenever the Cantonment Authority has provided, with respect to any building or land or to any privy, latrine, urinal, or other receptacle for offensive matter pertaining to any building or land, for the performance by its agents of the duties usually performed by sweepers,

the persons employed by it to perform such duties may enter into or on the building or land at all reasonable times so far as may be necessary for the proper discharge of their duties, and the Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, after giving twenty-four hours' notice to the occupier, at any time between sunrise and sunset enter therein or thereon for the purpose of ascertaining whether such duties have been duly performed.

[*Act XVIII of 1889, s. 61, and Clause (28).*] (850.)

189. (*1*) The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, after giving twenty-four hours' notice to the occupier or, if there is no occupier, to the owner or grantee of any building or land in which any privy, latrine, urinal or drain is situated, inspect any such privy, latrine, urinal or drain at any time between sunrise and sunset, and

Inspection of private privy, latrine, urinal or drain.

may, if necessary, cause the ground to be opened where such Magistrate or person may think fit for the purpose of preventing or removing any nuisance arising from the privy, latrine, urinal or drain.

(*2*) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner, grantee or occupier of the building or land; but if it is found that no nuisance exists, or, but for such opening, would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the Cantonment Authority.

CHAPTER XV. ([a])

WATER-SUPPLY.

190. In this chapter, unless there is something repugnant in the subject or context,—

Definitions.

[*Clause (19).*] (*1*) "source of public water-supply" means all public wells, tanks, rivers, streams, springs, channels and other sources from which water is or may be made available for public use, whether or not they are used for the purposes of or form part of an artificial system for supplying water,

and includes any well situate on private premises from which water is taken for the use of any persons other than the occupier of the premises; and

(*2*) "water-works" includes all wells, tanks, rivers, streams, springs, channels, lakes, cisterns, pumps, reservoirs, conduits, aqueducts, tunnels, mains, hydrants and fountains, and all lands, bridges, buildings, engines, machinery, works, materials and things used for the purposes of or forming part of an artificial system for supplying water. [*Act XIX ... 1884, s. (5).*] (48.)

191. (*1*) All sources of public water-supply within a cantonment, except such as are for the time being under the control of the Public Works Department, shall be under the control of the Cantonment Authority. [*Clause (19).*] (500.)

Control of Cantonment Authority over public water-supply.

(*2*) In every cantonment in which there are no water-works, the Cantonment Authority shall take all necessary measures for maintaining a supply of pure water, for guarding from pollution water which is used for human consumption, and for preventing polluted water from being so used.

192. (*1*) The Cantonment Authority may by public notice declare any particular area to be the catchment area of any source of public water-supply. [*Bombay Act III of 1888, s. 267, and Clause (19).*] (505, 506.)

Protection of catchment area.

(*2*) If without the written permission of the Cantonment Authority any person—

(*a*) erects any building for any purpose whatever within any such catchment area, or

(*b*) extends, alters or applies to any purpose different from that to which the same was previously applied any building already existing within such an area, or

(*c*) within such an area carries on any operation of manufacture, trade or agriculture in any manner, or does any other act whatsoever, whereby injury may arise to any source of public water-supply, or whereby the water thereof may be fouled or rendered less wholesome,

the Cantonment Authority may by notice require him to remove such building or extension, undo or modify such alteration, or cease from such application, operation or act.

193. The Cantonment Authority may by notice require the owner, grantee or occupier of any building or land wherein or whereon gas-works are situated or any offensive trade or manufacture is carried on, by himself or his servant or agent, to cease, within twenty-four hours from the service of the notice, from any act whereby any source of public water-supply in the cantonment is fouled. [*Madras Act IV of 1884, s. 152.*] (511.)

Power to prevent fouling of source of public water-supply by person engaged in offensive trade.

194. The Cantonment Authority may by public notice prohibit fishing, boating or the gathering of flowers or plants, generally or by any particular method specified in the notice, in any source of public water-supply in the cantonment, whenever it considers that such fishing, boating or gathering of flowers or plants is likely to cause danger to the public health. [*Madras Act I of 1884, s. 330, and Clause (19).*] (510.)

Power to prevent fouling of source of public water-supply by fishing, boating or gathering plants.

([a]) A strict control by the Cantonment Authority over all sources of water-supply capable of being used for drinking, or of being introduced into articles of food or drink, is of the first importance to the public health.

This chapter therefore aims at providing—

(1) that all sources of water-supply to which the public either have, or can by any means obtain, access, and which are or may be used for drinking purposes, shall be strictly kept from being fouled, and that all fouling be punished;

(2) that impure water shall be declared so in as public a manner as possible by means of a conspicuous placard notifying the fact to all, natives being utterly careless in such matters; and

(3) that no well or other source of water-supply be allowed within fifty feet of a latrine, urinal, cesspool, drain or place for the deposit of offensive matter, and that wherever such a state of things exists it be promptly put an end to.

As a means of ensuring that drinking water is not fouled, the Cantonment Authority is required to set apart sufficient places for bathing and washing.

Provision is made for the protection of catchment areas from being fouled.

Artificial water-works are left under the control of the Public Works Department; but powers are taken to punish persons damaging them or trespassing on them, and also to control the issue of water from them should such control be at any time required to be exercised by the Cantonment Authority.

[*Clause (19).*] (527, *Ill.* 2.)

Penalty for bathing or washing at public well or spring so as to foul the water.

195. Whoever bathes, or washes any animal, or any clothes, cloth, wool, leather, skin, utensil or other thing, by the side of any public well or spring in such a manner as to let the water flow back or percolate into the well or spring, shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

[*Act XIX of 1884, s. 37, and Clause (19).*] (509.)

Penalty for fouling source of public water-supply used for drinking purposes.

196. (*1*) If any person—

(*a*) bathes in any source of public water-supply which is used for drinking purposes, or

(*b*) washes, throws or causes or permits to enter therein any dog or other animal, or

(*c*) washes or cleanses therein any clothes, cloth, wool, leather, skin, utensil or other thing, or

(*d*) throws or allows to flow therein any offensive matter or rubbish, or

(*e*) causes or allows the water of any sink, drain, steam-engine or boiler, or any other filthy or polluted water belonging to him or under his control, to flow therein, or

(*f*) does any other act whereby the water thereof is fouled or is likely to be fouled,

he shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

(*2*) For the purposes of this section, the Cantonment Authority may by public notice declare what sources of public water-supply are used for drinking purposes.

[*Bengal Act II of 1888, s. 323, and Clause (19).*] (514, 515.)

Power to stop use of any source of public water-supply for drinking purposes.

197. (*1*) If it appears to the Cantonment Authority, on the advice of the Sanitary Officer, that the water in any source of public water-supply is likely, if used for drinking purposes, to engender or cause the spread of any infectious disorder, it may by public notice prohibit the removal or use of the said water for the purpose of drinking or of being mixed with any article of food or drink, or of washing vegetables or cooking-utensils, or of being used in any other manner which is likely to cause its introduction into any article of food or drink.

(*2*) Whenever a notice is issued under this section, a notice-board shall be put up near the well, tank or other place to which the notice relates, stating that the water is impure.

[*Madras Act IV of 1884, s. 156 (1).*] (512.)

Maintenance of source of private water-supply used for drinking purposes.

198. The Cantonment Authority may by notice require the owner of, or the person having control over, any private well, tank, stream, spring, channel, reservoir or other place, the water of which is used for drinking purpose, to keep and maintain the same in good order and repair, and to clear the same from time to time of silt, refuse or decaying vegetation,

and may also require him, in such manner as it may think fit, to protect any such well from pollution by surface drainage.

[*Madras Act IV of 1884, s. 156 (2).*] (513.)

Power to stop use of and to close source of private water-supply used for drinking purposes.

199. Whenever the water of any private well, tank or reservoir used for drinking purposes is proved to the satisfaction of the Cantonment Authority to be unfit for drinking, the Cantonment Authority may by notice require the owner or the person having control thereof to desist from using such water and from permitting others to use it in any manner likely to cause its introduction into articles of food or drink;

and if, after such notice, the water of such well, tank or reservoir is used by any person in any such manner as aforesaid, the Cantonment Authority may by notice require the owner or the person having control thereof to close such well, either temporarily or permanently, or to enclose or fence such well, tank or reservoir in such manner as it may direct, so that the water thereof may not be so used.

[*Clause (19).*] (517.)

Penalty for placing latrine, &c., near source of public water-supply, and *vice versâ*.

200. Whoever places any latrine, urinal, cesspool or drain, or uses for the deposit of offensive matter or rubbish any place, within fifty feet of any source of public water-supply,

and whoever makes any well, tank or reservoir within fifty feet of any latrine, urinal, drain or place used for the deposit of offensive matter or rubbish,

shall be punishable with fine which may extend to fifty rupees.

[*Act XVIII of 1889, s. 72, and Clause (19).*] (518.)

Removal or closing of latrine, &c., near source of public water-supply, or filling up of the latter.

201. The Cantonment Authority may by notice require any grantee, owner or occupier on whose land any latrine, urinal, cesspool or drain, or any place used for the deposit of offensive matter or rubbish, or any stable or other place for keeping animals, for the time being exists within fifty feet of any source of public water-supply,

at his option, within eight days after the service of the notice, either to remove or close the latrine, urinal, cesspool, drain, stable or place, or to fill up the source of water-supply.

[*Act XVIII of 1889, s. 106.*] (436.)

Altering, obstructing or encroaching upon public water-channel.

202. Whoever without the permission of the Cantonment Authority alters, obstructs or encroaches upon any public water-channel shall be punishable with fine which may extend to fifty rupees.

[*Madras Act I of 1884, ss. 250 and 251, and Bombay Act III of 1888, ss. 281 and 471.*] (519, 544, 545.)

Laying of gas-pipes and water-pipes.

203. (*1*) All pipes for the conveyance of gas shall be laid at the greatest practicable distance from any water-pipe, and no pipe for the conveyance of gas shall, except when it is necessary for the purpose of crossing, be laid at a distance of less than four feet from any water-pipe.

(*2*) Whenever it is necessary to lay a gas-pipe across a water-pipe, or a water-pipe across a gas-pipe, the pipes shall be laid at the greatest

practicable distance apart from each other, and shall be placed at right angles, or as nearly at right angles as the situation will admit.

(3) Whenever a gas-pipe crosses a water-pipe, it shall be of such length that no joint of it shall be nearer to the water-pipe than four feet, and it shall for a distance of six feet on either side of the water-pipe be sufficiently bedded in with good sound clay or other fit material.

(4) No gas-pipe or water-pipe shall be laid in a drain or on the surface of an open channel; and no water-pipe shall be laid in any other position where the pipe is likely to be injured or the water therein polluted.

(5) The Cantonment Authority may by notice require any person who has laid or ordered, or permitted to be laid, any gas-pipe or water-pipe in contravention of any of the provisions of this section to remove or relay the same, or otherwise deal therewith as it may think necessary.

[Bombay Act III of 1888, s. 269 (3).] (520.)

Power to control removal of water from water-works.

204. The Cantonment Authority may by public notice direct that water carried away by any person from any cantonment water-works shall be taken for his private use only and not for sale, and that, except with the written permission of the Cantonment Magistrate, no water shall be carried away from any such works in a cask, cart or pakhál.

[Bombay Act III of 1888, s. 270.] (521.)

Power to assign portion of water-works for use for a special purpose.

205. (1) The Cantonment Authority may by public notice assign and set apart any portion of the cantonment water-works and the water therein for use by the public for such purpose only as it thinks fit.

(2) A copy of every such notice shall be affixed on a conspicuous spot on or near the portion of the works to which it relates, indicating the purpose for which the same is assigned and set apart.

[Act XIX of 1884, s. 35.] (522.)

Penalty for obstructing or diverting water belonging to water-works.

206. Whoever unlawfully obstructs the flow of flushes, draws off, diverts or takes water from any water-works, or from any water or stream by which any water-works are supplied, shall be punishable with fine which may extend to fifty rupees.

[Bengal Act II of 1888, s. 161.] (538.)

Power to cut off water where private supply is wasted.

207. If any pipes, works or fittings connected with the supply of water from cantonment water-works to any building or land are at any time found to be out of repair to such an extent as to cause a waste of water, the Cantonment Authority may cause the water to be turned off or cut off from the building or land after giving notice in writing of not less than twenty-four hours to the occupier,

and may recover from the occupier and pay to the Executive Engineer the expense incurred in so turning off or cutting off the water.

[Bengal Act II of 1888, s. 163.] (539.)

Penalty for wasting private suplpy.

208. The occupier of any building or land in which water supplied from cantonment water-works is from negligence or other circumstances under the control of the said occupier wasted, or

in whose building or land the pipes, works or fittings for the supply of water are found to be out of repair to such an extent as to cause any waste of water,

shall be punishable with fine which may extend to twenty rupees.

[Madras Act IV of 1884, s. 150, and Clause (19).] (507.)

Penalty for trespassing on water-works.

209. (1) If any person trespasses upon land occupied by water-works, he shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

(2) If any person so trespassing refuses to leave such land on being requested so to do by any servant of the Cantonment Authority, or by any person authorised in that behalf by the Cantonment Magistrate, he shall be punishable with further fine which may extend to fifty rupees, or with further imprisonment for a term which may extend to eight days, and may be removed from the land by such servant or other person.

[Madras Act IV of 1884, s. 151.] (508.)

Penalty for damaging water-works.

210. Whoever unlawfully breaks, injures or causes damage to any water-works, or without due authority opens or removes any lock, cock or pipe belonging thereto,

shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

Bathing and Washing Places.

[Act XVIII of 1889, s. 54.] (523.)

Public bathing-places.

211. The Cantonment Authority shall set apart suitable places for the purpose of bathing, and may assign any such place or any part thereof for the exclusive use of persons suffering from infectious or contagious disorders;

and may specify the times at which and the sex of the persons by whom places or parts so set apart or assigned may be used.

[Act XVIII of 1889, s. 54.] (524.)

Public washing-places.

212. The Cantonment Authority shall set apart suitable places for washing animals and for washing clothes, cloth, wool, leather, skins, utensils or any other thing,

and may assign any such place or any part thereof exclusively for the washing of animals suffering from dangerous cattle-disease, or for the washing of clothing, bedding or other things which have been exposed to the infection of any infectious disorder and have not been freed from infection in such manner as the Cantonment Authority may have prescribed.

[Act XVIII of 1889, s. 54.] (525, 526.)

Regulation of public bathing and washing.

213. (1) The Cantonment Authority may by public notice prohibit bathing, or the washing of animals, clothes, cloth, wool, leather, skins, utensils or other things, in any public place not set apart for the purpose.

(2) Whenever the Cantonment Authority has assigned bathing-places for the exclusive use of persons suffering from infectious or contagious disorders, or places for the washing exclusively of diseased animals or infected clothing, bedding or other things, it may by public notice prohibit bathing by such persons or the washing of such animals or things in any public place not assigned for the purpose.

(74.) *Explanation.*—"Washing an animal" includes driving or throwing an animal, or permitting it to go, into water.

(3) Whenever the Cantonment Authority has specified the times at which, or the sex of the persons by whom, any public bathing-place may be used, it may by public notice prohibit bathing thereat at times or by persons other than those specified.

[*Act XVIII of 1889, s. 54.*] (527.)

Power to prohibit certain acts.

214. The Cantonment Authority may by public notice prohibit the doing of any act which in its opinion—

may render water in or adjacent to any place set apart for bathing or washing foul or unfit for use, or

may cause inconvenience or annoyance to persons using or being in the neighbourhood of any bathing or washing place.

Illustration.—Bathing in a street, or bathing at a well or tank so situated that bathing causes annoyance to any section of the inhabitants of the cantonment, is an act which may be prohibited by public notice.

[*Bengal Act IV of 1866, s. 66 (15), and Clause (12).*] (818.)

Penalty for annoying people using a public bathing-place.

215. Whoever obstructs or incommodes any person bathing at a place set apart as a bathing-place by wilful intrusion or by using such a place as a landing-place, or by anchoring or otherwise fastening or keeping boats or by washing animals at or near such place, or in any other way, shall be punishable with fine which may extend to fifty rupees or with imprisonment for a term which may extend to eight days.

Powers of Entry and Inspection.

[*Clause 28.*] (851.)

Powers of entry and inspection.

216. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, after giving twenty-four hours' notice to the occupier or, if there is no occupier, to the owner or grantee of any building or land, at any time between sunrise and sunset enter into or upon the building or land—

(*a*) for the purpose of ascertaining whether any source of public water-supply in the cantonment is being fouled by gas-works or by the carrying on of any offensive trade or manufacture; or

(*b*) for the purpose of ascertaining whether any source of water-supply in the cantonment, the water of which is used for drinking purposes, is kept and maintained in good order and repair and free from pollution, or whether the use of the water for drinking purposes would be likely to engender or to cause the spread of any infectious disorder.

CHAPTER XVI. [a]

MARKETS.

Provision and maintenance of public markets.

217. (*1*) The Cantonment Authority may by public notice appoint such places as it thinks fit for the purpose of being used as public markets, and define and alter the limits of any such place.

[*Bombay Act III of 1888, s. 399, and Clause (17).*] (647.)

(*2*) The Cantonment Authority may

build and maintain upon such places as aforesaid such shops, warehouses, stalls, sheds, pens, standings and other buildings or conveniences, and

make, alter and maintain such drains, roads, passages and approaches in or for such places,

as may in its opinion be necessary for the purposes of a public market.

Rents and charges in public markets.

218. The Cantonment Authority may charge such rents, tolls and fees as to it may seem proper for the right to expose goods for sale in any public market, and for the occupation or use of shops, warehouses, stalls, sheds, pens and standings therein; and

[*Bombay Act III of 1888, s. 407.*] (647, 648.)

may farm the rents, tolls and fees leviable in respect of any public market or part thereof for any period not exceeding one year at a time on such terms and conditions as to the Cantonment Authority may seem fit, or

may sell, by auction or by private contract, the privilege of occupying or using any shop, warehouse, stall, shed, pen or standing in any public market for such term and on such conditions as may to it seem proper.

Power to fix limits of existing private markets.

219. The Cantonment Authority may by public notice fix and define the limits of any private market existing at the commencement of this Code.

[*Bengal Act II of 1888, s. 359.*] (660.)

Establishment of private markets.

220. The Cantonment Authority may, with the previous sanction of the Commander-in-Chief, grant permission in writing to any person to establish a private market at such place, upon such terms and conditions, and for such purposes, as to it may seem proper.

[*Madras Act IV of 1884, s. 196.*] (656.)

Power to make rules for public markets.

221. (*1*) The Cantonment Authority may make rules, consistent with the Cantonments Act, 1889, and this Code, to provide, with respect to

[*Bombay Act III of 1888, s. 406, and Clause (17).*] (649.) XIII of 1889.

---

[a] A strict control over the preparation and sale of articles of food and drink is one of the first sanitary requirements of the day in India. Chapters XVI, XVII and XVIII aim at giving the Cantonment Authority the very widest powers in this respect of which the law at present admits.

In the case of many of such articles this control is only obtainable by the establishment and maintenance of regular markets for them, and Chapter XVI provides for this.

Markets may be established either by the Cantonment Authority itself or by private persons, and may range from an expensive building, like the Bombay market, to a mere field or other space within specified limits, where people congregate for barter, and which is declared a market. The conditions under which markets exist depend on local customs, differing widely in the different provinces of India, and this chapter therefore aims at investing the Cantonment Authority with such ample powers as will enable it to meet the requirements of its particular locality. The powers so given in respect of public markets relate mainly to nuisances, obstructions, conservancy, sanitation, ventilation, and water-supply, while power is given to make the owners or lessees of private markets conform as far as possible to similar rules.

any public market, for all or any of the following matters, namely:

(*a*) fixing the days on which and the hours during which the market may be kept open for use;

(*b*) preventing nuisances or obstruction in the market or in the approaches thereto;

(*c*) keeping the market in a cleanly and proper condition, removing offensive matter and rubbish therefrom, and maintaining public latrines and urinals for the use of persons frequenting the market;

(*d*) the proper ventilation of buildings, and the provision therefor of a sufficient supply of pure water;

(*e*) the provision of convenient passages between the shops, warehouses, stalls, sheds, pens and standings; and

(*f*) generally the control of the market.

(*2*) In making any rules under clause (*c*), the Cantonment Authority shall prohibit the placing of latrines within one hundred yards of a market.

(*3*) Where there is a Cantonment Committee, rules under this section may be made only at a special meeting.

(*4*) No rule made under this section shall come into force until it has been confirmed by the Commander-in-Chief and the Local Government.

[*Clause* (*17*).] (661 (*a*).)

Power to make rules for private markets.

222. (*1*) The Cantonment Authority may by notice declare that all or any rules in force under section 221 in a public market shall apply, with such modifications (if any) as it may think fit, to any private market specified in the notice.

(*2*) In any cantonment in which there is no public market, the Cantonment Authority may make rules, consistent with the Cantonments XIII of 1889. Act, 1889, and this Code, to provide, with respect to any private market, for all or any of the matters referred to in clauses (*a*) to (*f*) (both inclusive) of section 221; and the provisions of sub-sections (*2*), (*3*) and (*4*) of that section shall apply with respect to any rules so made.

[*Bombay Act III of 1888, ss. 399 and 407, and Clause* (*17*).] (667.)

Provision of conveniences for weighing and measuring.

223. (*1*) The Cantonment Authority may provide and maintain in any public market, and may by notice require the owner or lessee of any private market to provide and maintain in his market, such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold in the market as the Cantonment Authority may think fit.

(*2*) The Cantonment Authority may charge such fees as to it may seem proper for the weighing or measuring goods in buildings or places, or with machines, weights, scales or measures provided by it under this section.

[*Madras Act IV of 1884, s. 200, and Clause* (*17*).] (661.)

Further powers for regulation of private markets.

224. The Cantonment Authority may by notice require the owner or lessee of any private market, by himself or his agent, to do any of the following things, namely:

(*a*) to construct and maintain such drains in and for the market of such materials and of such description as the Cantonment Authority may direct;

(*b*) to cause the market or any portion thereof to be roofed and paved with such materials and in such manner, and to be provided with such latrines and urinals, as the Cantonment Authority may direct;

(*c*) to make such alterations in the stalls, shops, doors, passages or other parts of the market, or in the approaches thereto, as the Cantonment Authority may direct;

(*d*) to provide for such supply of water to the market as the Cantonment Authority may direct;

(*e*) to report to the Cantonment Magistrate the breach by any person using the market of any rule in force under section 222.

Power to close public market.

225. The Cantonment Authority may, with the sanction of the Commander-in-Chief, at any time by public notice close, permanently or for such period as may to it seem proper, any public market or any portion thereof. [*Bombay Act III of 1888, s. 400.*] (655.)

Power to close new private market at a year's notice.

226. Every permission granted under section 220 to establish a private market shall imply the following conditions, namely: [*Clause* (*17*).] (657.)

(*a*) the market shall, on the requisition of the Cantonment Authority, made by notice with the sanction of the Commander-in-Chief, be closed within one year from the service of the notice;

(*b*) no person shall have any claim to compensation for any loss or damage which he may incur in consequence of any such notice:

Provided that nothing in this section shall be deemed to affect the provisions of section 227 or section 228.

Power to close new private market for failure to comply with requisition.

227. If the owner or lessee of any private market established after the commencement of this Code fails to comply with any requisition made upon him by notice under section 224, the Cantonment Authority may by notice require him to close the market permanently or for any period specified in the notice. [*Bombay Act III of 1888, s. 403, and Clause* (*17*).] (662.)

Power to close any private market in other cases.

228. (*1*) If any private market is, by reason of its position, construction or arrangement, unfit, in the opinion of the Cantonment Authority, for the purposes of a market, or is, in the opinion of the Cantonment Authority, a nuisance to the neighbourhood, [*Madras Act IV of 1884, s. 198.*] (661 (*c*).)

the Cantonment Authority may by notice require the owner or lessee to close the same, or any portion thereof, permanently or for any period specified in the notice.

(*2*) Where a private market existing at the commencement of this Code, or any portion thereof, is closed on a requisition made by the Cantonment Authority under this section, the Cantonment Authority shall pay to the owner

and lessee reasonable compensation for any loss or damage which they may incur in consequence of the closure.

[Madras Act IV of 1884, s. 198, and Bombay Act III of 1888, s. 408.] (651, 656, 660, 663—665.)

Notification of documents relating to market.

229. (*1*) A copy of the following documents, namely,—

the table of rents, tolls and fees chargeable,

all rules in force under section 221 or section 222, as the case may be, and

every notice issued under section 219, section 225, section 226, section 227 or section 228,

shall be affixed, in English and the vernacular, to some conspicuous spot in the market to which the original relates.

(*2*) Until a copy of a rule or notice has been so affixed, no person shall be dealt with for disobeying the rule or notice.

[Bombay Act III of 1888, ss. 406 and 471, and Clause (17).] (650, 664.)

Penalty for disobeying market rule.

230. Whoever disobeys any rule in force under section 221 or section 222 shall, subject to the provision of section 229, sub-section (*2*), be punishable with fine which may extend to twenty rupees.

[Bombay Act III of 1888, s. 409, and Clause (17).] (653, 664.)

Power to expel person disobeying market rule and to determine his tenure of shop, &c.

231. The Cantonment Magistrate may expel from any market any person carrying on trade or business therein who, or whose servant, has been punished for disobeying any rule for the time being in force in the market under section 221 or section 222, and

may prevent such person, by himself or his servants, from further carrying on any trade or business in such market, or occupying any shop, warehouse, stall, shed, pen, standing or other place therein, and

may determine any lease or tenure which such person may have in any such shop, warehouse, stall, shed, pen, standing or place.

[Bombay Act III of 1888, ss. 401 and 471, and Clause (17).] (654.)

Penalty for selling without permission in public market.

232. (*1*) If any person without the permission of the Cantonment Authority sells or, exposes for sale, any animal or article within a public market, he shall be punishable with fine which may extend to fifty rupees, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

(*2*) The Cantonment Magistrate may summarily remove from the market any person found so selling or exposing for sale any animal or article.

[Madras Act I of 1884, s. 360.] (658.)

Penalty for opening private market without permission.

233. If any person, by himself or his agent or servant, establishes a market after the commencement of this Code without obtaining the permission of the Cantonment Authority under section 220, he shall be punishable with fine which may extend to fifty rupees, and with an additional fine which may extend to five rupees for every day after the first during which he keeps the market open.

[Bengal Act II of 1888, s. 362.] (666.)

Penalty for encroaching on approaches or passages of market.

234. Whoever causes any encroachment in or on any of the approaches, roads or passages to or in any market shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to three rupees for every day after the first during which the offence continues.

[Clause (17).]

Inspection of market by Sanitary Officer and Cantonment Magistrate for sanitary purposes.

235. The water-supply of every market, the arrangements for the removal and disposal of offensive matter and rubbish therefrom, and all other arrangements for maintaining the same in a sanitary condition, shall be frequently inspected by the Sanitary Officer and the Cantonment Magistrate.

Powers of Entry and Inspection.

[Clause (28).] (856.)

Powers of entry and inspection.

236. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, at all reasonable times,—

(*a*) enter into any private market, or any shop, warehouse, stall, shed, pen, standing or other place in a private or public market,—

(i) for the purpose of ascertaining whether any rules made under this chapter and applicable to such market are being obeyed, or

(ii) for the purpose of expelling from such market, or of preventing from carrying on any trade or business, or occupying any shop, warehouse, stall, shed, pen, standing or other place therein, any person whom the Cantonment Magistrate is empowered by this chapter to so expel or prevent; and

(*b*) enter into and inspect any private market which has been established without the permission of the Cantonment Authority, or which is kept open after notice of closure has been given under this chapter.

CHAPTER XVII. (a)

SLAUGHTER-HOUSES.

[Bombay Act III of 1888, s. 399, and Clause (17).] (675, 677.)

Provision and maintenance of public slaughter-houses.

237. (*1*) The Cantonment Authority may, by public notice, appoint such places as it thinks fit for the purpose of being used as public slaughter-houses, and define and alter the limits of any such place.

(a) The principal objects of this chapter are to secure—

(1) that animals be slaughtered only at certain specified places carefully chosen by the Cantonment Authority;

(2) that, as a rule, all slaughtering places be under the direct management of the Cantonment Authority, and that where, as a special case, a private slaughter-house is allowed, it shall only be established with the express sanction of the Commander-in-Chief; and that all private slaughter-houses shall be governed by rules similar to those applicable to public slaughter-houses, and be liable to be discontinued at one year's notice, or, in the case of disobedience to requisitions or for other good reason, **at any time**; and

(3) that slaughter-houses shall be under strict control, not only as regards the many ways in which such places generally offend from a sanitary point of view, but also as regards various practices which result in much cruelty to the animals brought for slaughter.

Special powers are given to meet the case of ceremonial slaughter.

(2) The Cantonment Authority may

build and maintain upon such places as aforesaid such pens, standings, enclosures and other buildings or conveniences, and

make, alter and maintain such drains, roads, passages and approaches in or for such places,

as may in its opinion be necessary for the purposes of a public slaughter-house.

(3) The Cantonment Authority may by public notice direct that any place appointed under sub-section (1) shall be used for the slaughter of animals of such description only as may be specified in the notice.

[Bombay Act III of 1888, s. 407.] (675, 679.)

Rents and charges in public slaughter-houses.

238. The Cantonment Authority may charge such rents, stallages, tolls and fees as to it may seem proper for the right to slaughter animals in any public slaughter-house, and for the occupation or use of pens, standings, enclosures and buildings therein, and

may farm the rents, stallages, tolls and fees leviable in respect of any public slaughter-house or part thereof for any period not exceeding one year at a time on such terms and conditions as to the Cantonment Authority may seem fit, or

may sell, by auction or by private contract, the privilege of occupying or using any pen, standing, enclosure or building in any public slaughter-house for such term and on such conditions as may to it seem proper.

[Bombay Act III of 1888, s. 403.] (687.)

Establishment of private slaughter-houses.

239. The Cantonment Authority may, with the previous sanction of the Commander-in-Chief, grant permission in writing to any person to establish a private slaughter-house at such place, upon such terms and conditions, and for the slaughter of such description of animals, as to it may seem proper.

[Clause (17).]

Position of new slaughter-houses.

240. Notwithstanding anything contained in section 237 or section 239, the Cantonment Authority shall not establish, or permit the establishment of, a slaughter-house at any place situate within three hundred feet of—

(a) a nulla or watercourse, or

(b) an inhabited dwelling, or

(c) a latrine or urinal, or

(d) a place used for the deposit of night-soil or other offensive matter, or

at any place at which the location of a slaughter-house would, in the opinion of the District Magistrate, be objectionable to any class of residents in the cantonment.

[Clause (17).] (676.)

Outer and inner yards.

241. (1) In every public slaughter-house, and in every private slaughter-house established under section 239, there shall be two separate enclosures, to be called respectively the outer yard and the inner yard.

(2) The outer yard shall be used for the confinement of animals proposed for slaughter, and the inner yard for the confinement of animals selected for slaughter; and every outer and inner yard shall be so situated or constructed that the animals confined therein or approaching thereto shall not be able to see, or, so far as it is practicable to avoid it, to smell the odours arising from, the place of slaughter.

[Bombay Act III of 1888, s. 406, and Clause (17).] (680.) XIII of 1889.

Power to make rules for public slaughter-houses.

242. (1) The Cantonment Authority may make rules, consistent with the Cantonments Act, 1889, and this Code, to provide, with respect to any public slaughter-house, for all or any of the following matters, namely:

(a) fixing the days on which and the hours during which the slaughter-house may be kept open for use and the slaughter of animals permitted therein;

(b) preventing nuisances or obstruction in the slaughter-house or in the approaches thereto;

(c) keeping the slaughter-house in a cleanly and proper condition, removing offensive matter and rubbish therefrom, and maintaining public latrines and urinals for the use of persons frequenting the slaughter-house;

(d) the proper ventilation of buildings, and the provision therefor of a sufficient supply of pure water;

(e) the provision of convenient passages between the pens, standings, enclosures, buildings and yards;

(f) the inspection, selection and marking of animals for slaughter, and the removal of animals from the outer to the inner yard, and from the inner yard to the place of slaughter, and fixing the days on which and the hours during which such inspection, selection, marking and removal shall be carried on;

(g) the treatment while in the slaughter-house of animals proposed or selected for slaughter;

(h) prohibiting the keeping of animals at a slaughter-house for more than twenty-four hours;

(i) the method of slaughter, and the removal and disposal of blood, offal, skins, horns, feet and the refuse of carcasses, and of other offensive matter;

(j) the destruction and disposal of animals which are offered for slaughter and are from disease or for any other reason unfit for human consumption, the destruction of carcasses which from disease or for any other reason are found after slaughter to be unfit for human consumption, and the marking of carcasses fit for human consumption;

(k) admittance into the slaughter-house or yards, and the conduct of persons carrying on business or trade or working for gain therein; and

(l) generally the control of the slaughter-house.

(2) Where there is a Cantonment Committee, rules under this section may be made only at a special meeting.

(3) No rule made under this section shall come into force until it has been confirmed by the Commander-in-Chief and the Local Government.

[Clause (17).] (691 (a).)

Power to make rules for private slaughter-houses.

243. (1) The Cantonment Authority may by notice declare that all or any rules in force under section 242 in a public slaughter-house shall apply, with such modifications (if any) as it may think fit, to any private slaughter-house specified in the notice.

(2) In any cantonment in which there is no public slaughter-house, the Cantonment Authority may make rules, consistent with the Can-
XIII of 1889. tonments Act, 1889, and this Code, to provide, with respect to any private slaughter-house, for all or any of the matters referred to in clauses (a) to (l) (both inclusive) of section 242; and the provisions of sub-sections (2) and (3) of that section shall apply with respect to any rules so made.

[Bombay Act III of 1888, s. 405, and Clause (17).] (691.)

Further powers for regulation of private slaughter-houses.

244. The Cantonment Authority may by notice require the owner or lessee of any private slaughter-house, by himself or his agent, to do any of the following things, namely:

(a) to provide and maintain receptacles for the blood, offal, skins, horns, feet and refuse of slaughtered animals and for other offensive matter;

(b) to construct and maintain such drains in and for the slaughter-house, of such materials and of such description, as the Cantonment Authority may direct;

(c) to cause the slaughter-house or any portion thereof to be provided with such pens, standings, enclosures, fences, buildings, outer and inner yards, latrines and urinals, as the Cantonment Authority may direct;

(d) to make such alterations in the pens, standings, enclosures, fences, buildings or yards of the slaughter-house, or in the approaches to the slaughter-house, as the Cantonment Authority may direct;

(e) to provide for such supply of water to the slaughter-house as the Cantonment Authority may direct;

(f) to provide such proper means and materials for the inspection, selection and marking of animals for slaughter, for the slaughter of animals, and for the removal and disposal of the carcasses, blood, offal, skins, horns, feet and refuse thereof, as the Cantonment Authority may direct;

(g) to report to the Cantonment Magistrate the breach by any person using the slaughter-house of any rule in force under section 243.

[Bombay Act III of 1888, s. 400.] (686.)

Power to close public slaughter-house.

245. The Cantonment Authority may, with the sanction of the Commander-in-Chief, at any time by public notice close, permanently or for such period as may to it seem proper, any public slaughter-house or any portion thereof.

[Clause (17).] (688.)

Power to close new private slaughter-house at a year's notice.

246. Every permission granted under section 239 to establish a private slaughter-house shall imply the following conditions, namely:

(a) the slaughter-house shall, on the requisition of the Cantonment Authority, made by notice with the sanction of the Commander-in-Chief, be closed within one year from the service of the notice;

(b) no person shall have any claim to compensation for any loss or damage which he may incur in consequence of any such notice:

Provided that nothing in this section shall be deemed to affect the provisions of section 247 or section 248.

[Bombay Act III of 1888, s. 403, and Clause (17).] (692.)

Power to close new private slaughter-house for failure to comply with requisition.

247. If the owner or lessee of any private slaughter-house established after the commencement of this Code fails to comply with any requisition made upon him by notice under section 244, the Cantonment Authority may by notice require him to close the slaughter-house permanently or for any period specified in the notice.

[Madras Act IV of 1884, s. 198, and Clause (17).] (691 (c).)

Power to close any private slaughter-house in other cases.

248. (1) If any private slaughter-house is, by reason of its position, construction or arrangement, unfit, in the opinion of the Cantonment Authority, for the purposes of a slaughter-house, or is, in the opinion of the Cantonment Authority, a nuisance to the neighbourhood,

the Cantonment Authority may by notice require the owner or lessee to close the same, or any portion thereof, permanently or for any period specified in the notice.

(2) Where a private slaughter-house existing at the commencement of this Code, or any portion thereof, is closed on a requisition made by the Cantonment Authority under this section, the Cantonment Authority shall pay to the owner and lessee reasonable compensation for any loss or damage which they may incur in consequence of the closure.

[Bombay Act III of 1888, s. 408, and Clause (17).] (681, 687, 693.)

Notification of documents relating to slaughter-house.

249. (1) A copy of the following documents, namely:

the table of rents, stallages, tolls and fees chargeable,

all rules in force under section 242 or section 243, as the case may be, and

every notice issued under section 245, section 246, section 247 or section 248,

shall be affixed, in English and the vernacular, to some conspicuous spot in the slaughter-house to which the original relates.

(2) Until a copy of a rule or notice has been so affixed, no person shall be dealt with for disobeying the rule or notice.

[Bombay Act III of 1888, ss. 406 and 471, and Clause (17).] (682, 694.)

Penalty for disobeying slaughter-house rule.

250. Whoever disobeys any rule in force under section 242 or section 243 shall, subject to the provision of section 249, sub-section (2), be punishable with fine which may extend to twenty rupees.

[*Bombay Act III of 1888, s. 409, and Clause (17).*] (684, 694.)

Power to expel person disobeying slaughter-house rule, and to determine his tenure of shop, &c.

251. The Cantonment Magistrate may expel from any slaughter-house any person carrying on trade or business therein who, or whose servant, has been punished for disobeying any rule for the time being in force in the slaughter-house under section 242 or section 243, and

may prevent such person, by himself or his servants, from entering into or further carrying on any trade or business in such slaughter-house, or occupying any pen, standing, enclosure, building or other place therein, and

may determine any lease or tenure which such person may have in any such pen, standing, enclosure, building or place.

[*Bombay Act III of 1888, ss 409 and 471, and Clause (17).*] (685.)

Penalty for using public slaughter-house without permission.

252. (*1*) If any person without the permission of the Cantonment Authority enters into or carries on any trade or business in a public slaughter-house, he shall be punishable with fine which may extend to fifty rupees, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

(*2*) The Cantonment Magistrate may summarily remove from the slaughter-house any person found so entering or carrying on trade or business therein.

[*Bengal Act II of 1888, s. 341, and Clause (17).*] (689.)

Penalty for opening private slaughter-house without permission.

253. If any person, by himself or his agent or servant, establishes a slaughter-house after the commencement of this Code without obtaining the permission of the Cantonment Authority under section 239, he shall be punishable with fine which may extend to fifty rupees, and with an additional fine which may extend to five rupees for every day after the first during which he keeps the slaughter-house open.

[*Bengal Act II of 1888, s. 342, and Clause (17).*] (690.)

Penalty for using unauthorised slaughter-house.

254. Whoever, having reason to believe that a private slaughter-house has been established after the commencement of this Code without such permission as aforesaid, carries on any trade or business in such slaughter-house shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to three rupees for every day after the first during which the offence continues.

[*Bombay Act III of 1888, s. 403, and Clause (17).*]

Penalty for using private slaughter-house after notice of closure.

255. Whoever, having reason to believe that the Cantonment Authority has by notice required the closing of a private slaughter-house, carries on any trade or business in such slaughter-house after the expiry of the period specified in the said notice shall be punishable with fine which may extend to fifty rupees, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

[*Clause (17).*] (696.)

Penalty for encroaching on roads, passages or approaches in or to slaughter-house.

256. Whoever causes any encroachment in or on any of the roads, passages or approaches in or to any slaughter-house shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to three rupees for every day after the first during which the offence continues.

[*Clause (...)*] (69...)

Power to prohibit on grounds of public health the slaughter of any particular description of animal.

257. Whenever it appears to the Cantonment Authority to be necessary for the preservation of the public health, it may by public notice prohibit, for any period specified in the notice, or for such further period as it may from time to time by a like notice prescribe, the slaughter at a slaughter-house of any animal of a description specified in the notice.

[*Madras ... I of ..., s. 348, ... Bombay ... III of 18..., s. 412.*] (697, 69..., 700.)

Power to prohibit slaughter except at a lawful slaughter-house, and sale of meat of animal slaughtered elsewhere.

258. (*1*) In any cantonment in which there is a slaughter-house lawfully existing (other than a slaughter-house maintained by the Commissariat Department), the Cantonment Authority may by public notice prohibit the slaughtering, cutting up or skinning of any animal or any specified description of animal, at any place within the cantonment other than such a slaughter-house, or the selling or offering for sale within the cantonment of the meat of any animal not slaughtered in such a slaughter-house.

(*2*) Any meat brought into a cantonment in contravention of a notice published under subsection (*1*) may be seized by the Cantonment Magistrate, and may be sold or otherwise disposed of as he may direct.

(*3*) Nothing in this section shall apply to the slaughter of animals on the occasion of any festival or ceremony, or to the sale of cured or preserved meat.

[*Act XV... of 1889, s. ...*] (704.)

Power to prohibit or regulate ceremonial slaughter likely to disturb the public peace.

259. Whenever it appears to the Cantonment Magistrate to be necessary for the preservation of the public peace or order, he may, subject to the provision of any local enactment and of any rules under any such enactment for the time being in force, and with the consent of the District Magistrate,

by public notice prohibit or regulate the slaughter, within the cantonment, of animals, or of any specified description of animals, on the occasion of any festival or ceremony, and prescribe the mode and route in and by which meat shall be conveyed from the place where such animals are slaughtered.

Powers of Entry and Inspection.

[*Clause (...)*] (856, 85...)

Powers of entry and inspection.

260. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, at all reasonable times,—

(*a*) enter into any private slaughter-house, or any pen, standing, enclosure or other place in any private or public slaughter-house,—

(i) for the purpose of ascertaining whether any rules made under this chapter and applicable to such slaughter-house are being obeyed, or

(ii) for the purpose of expelling from such slaughter-house, or of preventing from carrying on any trade or business, or occupying any pen, standing, enclosure, building or other place therein, any person whom the Cantonment Magistrate is empowered by this chapter to so expel or prevent;

(*b*) enter into and inspect any private slaughter-house which has been established without the permission of the Cantonment Authority, or which is kept open after notice of closure has been given under this chapter; and

(*c*) enter into and inspect any building or place in which such Magistrate has reason to believe that any animal is being or is about to be slaughtered, cut up or skinned, or that the meat of any animal is being or is about to be sold or offered for sale, after such slaughter, cutting up, skinning, sale or offering for sale has been prohibited by public notice under section 258.

Application of chapter to Commissariat slaughter-houses.

[*Clause* (*17*).] (702.)

Application of chapter to Commissariat slaughter-houses.

261. The following portions of this chapter, namely, section 240, section 241, section 242, clauses (*b*), (*c*), (*d*), (*g*), (*h*), (*i*) and (*j*), section 250, section 260, and so much of section 249 as relates to the affixing of rules in force under section 242, shall apply to slaughter-houses maintained by the Commissariat Department.

CHAPTER XVIII. [a]

CONTROL OVER CERTAIN TRADES, CALLINGS AND OCCUPATIONS.

[*Madras Act I of 1884, s. 332, Bengal Act II of 1888, s. 346, Bombay Act III of 1888, s. 394, and Act XVIII of 1889, s. 82.*] (777, 778.)

Licensing of offensive or dangerous trades.

262. (*1*) No person shall use any place within a cantonment for any of the following purposes, namely:

(*a*) melting tallow or sulphur; or

(*b*) boiling bones, rags, offal, blood or paddy; or

(*c*) depositing or washing soiled clothes for profit; or

(*d*) as a soap-house, oil-boiling-house, dyeing-house or tannery; or

(*e*) as a brick-kiln, pottery or lime-kiln; or

(*f*) as a knacker's yard; or

(*g*) for storing fish, offal, hides, horns, hoofs, bones, skins, hair or any other thing from which offensive or unwholesome smells arise; or

(*h*) as any other manufactory or place of business from which offensive or unwholesome smells arise; or

(*i*) as a yard or depôt for trade in rags, hay, straw, thatching-grass, wood, coal or any other highly inflammable material,

except under a license granted by the Cantonment Authority.

(*2*) The Cantonment Authority may, with the sanction of the Commander-in-Chief granted with the concurrence of the Local Government, by public notice declare that sub-section (*1*) shall apply to the carrying on of any trade, calling or occupation not mentioned or referred to in that sub-section which is, in the opinion of the Cantonment Authority, dangerous to life, health or property, or likely to create a nuisance.

Licensing of shops for sale of medicines or drugs.

263. No person shall use any place in a cantonment for the sale of medicines dispensed upon prescription or drugs intended to be used in the composition of such medicines, except under a license granted by the Cantonment Authority. [*Bengal Act II of 1888, s. 368.*] (777 (*n*).).

Places in which animals may be kept for profit.

264. No person shall keep any animal for profit in a cantonment except at a place licensed by the Cantonment Authority for the purpose, or provided by the Cantonment Authority under section 270. [*Bengal Act II of 1888, s. 335.*] (770.)

Explanation.—The words "animal kept for profit," as used in this chapter, mean an elephant, camel, horse, pony, mule or ass, milch cow or other horned beast, sheep, lamb, goat, kid or pig, which is kept for the purpose of trade or business.

General provisions as to licenses granted under section 262, 263 or 264.

265. (*1*) Every license granted under section 262, section 263 or section 264 shall specify the conditions to be observed by the licensee. [*Act XV III of 1889, s. 82, and Clause (20).*]

(*2*) Such licenses shall ordinarily be granted for one year, and shall be renewable annually.

(*3*) The Cantonment Authority may impose a fee not exceeding one rupee on the grant and on every renewal of any such license.

Conditions to be specified in licenses granted under section 262, 263 or 264.

266. The conditions to be specified in a license granted under section 262, section 263 or section 264 may include rules to provide for any of the following among other matters, namely: [*Clause (20).*] (770, 779, 780.)

(*1*) in the case of any building or place which is the subject of a license—

(*a*) paving, cubical space, ventilation, light, drainage, water-supply, cleansing or over-crowding,

(*b*) all arrangements necessary for keeping the building or place in a sanitary and safe condition, and for the health and security of the residents thereof, and of persons working in, using or frequenting the same,

(*c*) the prevention of nuisance to persons residing in the neighbourhood or to the public;

[a] The object aimed at in this chapter is to give the Cantonment Authority the widest powers possible for controlling all trades or occupations which are calculated to affect injuriously either life, health or property.

Control is also provided for over a few trades in which the public convenience is specially affected.

Provision is made for a liberal use of licenses, and wide powers of inspection and search are given.

(2) in the case of any manufactory or place of business by the use of which smoke is produced—

(a) the height and dimensions of chimneys in connection with the furnaces or steam-boilers employed,

(b) the use of steam-whistles or steam-trumpets;

(3) in the case of any place used for a purpose mentioned in clause (a), clause (b) or clause (d) of section 262—

effectually destroying or rendering harmless or inoffensive any offensive vapour or gas issuing from any boiler, mixer or other vessel, or from any room, chamber or other place;

(4) in the case of a dyeing-house—

(a) the spreading and hanging of articles while undergoing the process of dyeing,

(b) the disposal of refuse material;

(5) in the case of any yard or depôt referred to in clause (i) of section 262—

(a) the quantity of materials which may be stored therein or in any specified portion thereof,

(b) the taking of special precautions against fire;

(6) in the case of any place used for the sale of medicines dispensed upon prescription or drugs intended to be used in the composition of such medicines—

(a) the qualification of persons employed in compounding, mixing, preparing, dispensing or selling any such medicine or drug,

(b) preventing the adulteration of medicines or drugs,

(c) preventing the sale of medicines and the use of drugs which have deteriorated or have become noxious, unwholesome, inert, lessened in efficacy or changed in operation;

(7) in the case of any place used for keeping animals for profit—

(a) fencing,

(b) the number of animals which may be kept,

(c) feeding,

(d) all arrangements necessary to ensure the keeping of the animals and the produce thereof in a healthy condition and fit for human consumption or use, as the case may be,

(e) the combination of human dwellings with any such place,

(f) the letting for hire of any animal which through infirmity of temper or for any other reason is dangerous to the person using it or to passers-by.

[*Madras Act I of 1884, s. 332.*] (786.)

Power to refuse a license.

267. (1) The Cantonment Authority may in any case, in its discretion, refuse to grant or renew a license under section 262, section 263 or section 264.

(2) Every order refusing to grant a license shall be in writing, and shall set forth the grounds on which it is made.

[*Act XVIII of 1889, s. 83.*] (784.)

Power to prohibit or regulate offensive or dangerous trade.

268. If it is shown to the satisfaction of the Cantonment Authority that any place licensed under section 262 is a nuisance to the neighbourhood, or likely to be dangerous to life, health or property, the Cantonment Authority may by notice require the occupier of the place to discontinue the use thereof for the purpose for which it was licensed, or to use the place in such manner as will in the opinion of the Cantonment Authority render it no longer a nuisance or dangerous.

[*Clause (20).*] (781.)

Power to provide places for carrying on of offensive or dangerous trades.

269. The Cantonment Authority may provide places for the carrying on of any trade, calling or occupation mentioned or referred to in section 262,

and may build and maintain upon any such place such buildings, and make, alter and maintain such pens, standings, enclosures, fences, drains, roads, passages and approaches therein and therefor, as it considers necessary for the purposes of such place,

and may permit the use of such places upon such terms and conditions and by such persons as to it may seem proper.

[*Bengal Act III of 1884, s. 264.*] (771.)

Public stables, sheds and standings for animals kept for profit.

270. The Cantonment Authority may provide and maintain public stables, sheds or standings for the accommodation of animals kept for profit, and may charge reasonable fees for the use thereof.

[*Bengal Act III of 1884, s. 273 (2), and Clause (20).*] (782.)

Penalty for carrying on certain trades or callings without a license, except at places provided by the Cantonment Authority.

271. (1) Whoever carries on any trade, calling or occupation mentioned or referred to in section 262 without a license granted under that section, except in a place provided by the Cantonment Authority for the purpose under section 269, and whoever uses any place for any purpose mentioned in section 263 without a license granted under that section,

shall be punishable with fine which may extend to fifty rupees, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

[*Bengal Act II of 1888, s. 336.*] (772, 773.)

(2) If any animal is kept at any place in contravention of section 264, the person keeping the animal, and the grantee, owner or occupier of the land or building on which it is kept, shall be punishable with fine which may extend to fifty rupees, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

[*Bengal Act III of 1884, s. 273 (3), and Clause (20).*] (774, 785.)

Penalty for breach of conditions of license.

272. If the holder of a license granted under section 262, section 263 or section 264 commits any breach of the conditions of the license, he shall be punishable with fine which may extend to fifty rupees, and, in case of a continuing breach, with an additional fine which may extend to five rupees for every day after the first during which the breach continues.

[*Bombay Act III of 1888, s. 384 (c), and Clause (20).*] (775, 776.)

Penalty for feeding certain animals on filth, or dealing with filth for that purpose, or permitting certain animals to graze in prohibited place.

273. (*1*) Whoever feeds with night-soil, dung, stable-litter, refuse or any other deleterious or offensive matter any animal which is kept for dairy purposes or may be used for food, or suffers or permits any such animal to be fed with or to feed upon any such matter, or

wilfully feeds or waters any such animal with any substance or liquid which would result in injury to the health of human beings, or wilfully suffers or permits any such animal to be fed or watered with, or to feed upon or drink, any such substance or liquid, or

sells, buys, disposes of or procures any such matter, substance or liquid as aforesaid for the purpose of being consumed by any such animal, or

suffers or permits any such animal to graze on land on which grazing has for sanitary reasons been prohibited,

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

(*2*) Articles in respect of which a conviction has been obtained under this section shall be dealt with under the provisions of section 517 of the Code of Criminal Procedure, 1882. X of 1882.

[*Act XX of 1891, s. 137.*] XIII of 1889.

Power to regulate manufacture, preparation and sale of food and drink.

274. (*1*) The Cantonment Authority may make rules, consistent with the Cantonments Act, 1889, and this Code, to provide for all or any of the following matters, namely :

(*a*) prohibiting the manufacture or preparation for sale of any specified articles of food or drink in any premises not licensed by the Cantonment Authority ;

(*b*) regulating the grant and withdrawal of licenses to premises for the manufacture or preparation for sale of such specified articles of food or drink ;

(*c*) regulating the hours and manner of transport within the cantonment of any specified articles of food or drink ;

(*d*) fixing the places in which meat, milk, butter, bread, aërated waters, ginger-beer, ice or any other article of food or drink specified in the rules may be sold or exposed for sale, or the places in which any such article may not be sold or exposed for sale :

(*2*) Provided that no person shall be punishable for breach of any rule made under clause (*a*) or clause (*d*) of sub-section (*1*) by reason of the continuance of such manufacture, preparation or exposure for sale, or sale, upon any premises which are at the time of the making of such rule used for such purpose, until he has received from the Cantonment Authority six months' notice in writing to discontinue such manufacture, preparation or exposure for sale, or such sale, in such premises.

(*3*) This section shall not take effect in any cantonment until it has been specially extended thereto by the Local Government at the request of the Cantonment Authority.

[*Act XX of 1891, s. 143 (a), (b).*] (777 (*o*), 780 (*g*).) XIII of 1889.

Power to make rules as to vehicles, boats, animals and coolies plying for hire.

275. The Cantonment Authority may make rules, consistent with the Cantonments Act, 1889, and this Code, to provide for all or any of the following matters, namely :

(*a*) rendering licenses necessary for the proprietors or drivers of vehicles (other than hackney-carriages), boats or animals kept or plying for hire within the cantonment, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked ;

(*b*) limiting the rates which may be demanded for the hire of any vehicle (other than a hackney-carriage) or boat, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such vehicles, animals or persons, when hired within the cantonment for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours.

[*Act XX of 1891, ss. 145, 146.*]

Procedure in making rules under section 274 or 275.

276. (*1*) Where there is a Cantonment Committee, rules under section 274 or section 275 may be made only at a special meeting.

(*2*) In making any rule under section 274 or section 275, the Cantonment Authority may direct that a breach of it shall be punishable with fine which may extend to twenty rupees, and, when the breach is a continuing breach, with an additional fine which may extend to three rupees for every day after the first during which the breach continues.

(*3*) No rule made under section 274 or section 275 shall come into force until it has been confirmed by the Commander-in-Chief and notified by public notice.

[*Act XVIII of 1889, s. 116.*] (791, 792, 868 (2).)

Penalty for selling food or drink of a nature different from that demanded.

277. (*1*) Whoever sells to the prejudice of any purchaser any article of food or drink for human consumption which is not of the nature, substance or quality of the article demanded by such purchaser shall be punishable with fine which may extend to fifty rupees.

(*2*) The provisions of sub-section (*1*) shall not apply in the following cases, namely :

(*a*) when any matter or ingredient not injurious to health has been added to the food or drink in order to make the food or drink fit as an article of commerce for carriage or consumption, and not with intent fraudulently to increase the bulk, weight or measure of the food or drink or to conceal the inferior quality thereof ; or

(*b*) when the food or drink is unavoidably mixed with some extraneous matter in the process of collection or preparation.

(*3*) The provisions of this section apply to the purchase under section 285 of any article for the purpose of analysis.

[*Madras Act III of 1888, s. 66.*] (906.)

Penalty for buying or taking pledge from child.

278. Whoever without the knowledge and consent of the owner buys any article from any child apparently under the age of fourteen years, or takes any article as a pawn, pledge or security for any sum of money lent or advanced to any such child, shall be punishable with fine which may extend to fifty rupees.

[*Madras Act III of 1888, s. 28.*] (907.)

Power to compel pawnbrokers and others to watch for stolen property.

279. (*1*) The Cantonment Magistrate may deliver to any pawnbroker, money-changer, dealer in second-hand property or worker in metals a list of any property believed to have been stolen, and thereupon it shall be the duty of such pawnbroker, money-changer, dealer or worker as aforesaid, upon any article answering the description of any property set forth in such list being offered to him in pawn, for exchange or sale, or otherwise, to—

(*a*) inquire the name and address of the person offering the article;

(*b*) seize and detain the article; and

(*c*) forthwith communicate to the police the fact of the article having been offered, and such name and address as may be given by the person offering it.

(*2*) Any pawnbroker, money-changer, dealer or worker as aforesaid failing without reasonable excuse to comply with the requirements of this section shall be punishable with fine which may extend to fifty rupees.

(*3*) Any pawnbroker, money-changer, dealer or worker as aforesaid may detain any person offering any such article as aforesaid pending the arrival of the police.

[*Clause* (*20*).] (777 (*p*), 780 (*10*).)

Power to remove brothels.

280. The Cantonment Authority may by notice require any brothel to be removed.

Powers of Entry and Inspection.

[*Clause* (*28*).] (862, 863.)

Power to enter and inspect certain places.

281. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, at all reasonable times, enter into and inspect—

(*a*) any place used for any of the purposes mentioned in section 262, sub-section (*1*), or for the purpose of carrying on any trade, calling or occupation in respect of which a notice has been issued under section 262, sub-section (*2*), or

(*b*) any place used for the sale of medicines dispensed upon prescription or drugs intended to be used in the composition of such medicines, or

(*c*) any place used for the purpose of keeping an animal for profit, or

(*d*) any place in which the Cantonment Magistrate has reason to believe that any animal is being fed or watered in contravention of section 273.

[*Bombay Act III of 1888, s. 414.*] (866.)

Cantonment Authority to provide for inspection of food and medicine exposed for sale.

282. It shall be the duty of the Cantonment Authority to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter and any other article exposed or hawked about for sale, or deposited in or brought to any place for the purpose of sale or preparation for sale, and intended for human food or for medicine, and

in all cases of dispute the burden of proof that the same was not exposed or hawked about, or deposited or brought for any such purpose, or was not intended for human food or for medicine, shall lie on the person charged.

[*Bombay III of 18*[illegible] *415, Clause* [illegible]] (865 [illegible])

Seizure of unwholesome food, medicine, utensils, &c.

283. (*1*) The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may at all reasonable times inspect and examine any such animal or article as aforesaid, and any utensil, vessel or thing used for preparing, manufacturing, containing or covering any such article.

(*2*) If any such animal or article appears to such Magistrate or person to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or to be not what it is represented to be, or

if any such utensil, vessel or thing is of such kind or in such state as to render any article prepared, manufactured or contained therein or covered thereby unwholesome or unfit for human food or for medicine, as the case may be,

he may seize the same.

[*Bengal* [illegible] *II of 188*[illegible]*, 365.*]

Explanation.—Meat which has been subjected to the process of blowing is unfit for human food.

[*Bengal Act III of 188*[illegible]*, 251C.*] (867.)

Disposal of things seized.

284. (*1*) When any animal or any article intended for human food or for medicine is seized under section 283, the person seizing it may, if the owner or the person in whose possession it was found consents, forthwith destroy the same or so dispose of it as to prevent its being used as food or medicine.

[*Bombay Act III of 1888, s. 417, and Act XVIII 1889, s. 11*[illegible]] (867, 869.)

(*2*) When any animal or any article intended for human food or medicine is seized under section 283, and the owner or the person in whose possession the same was found does not consent to its destruction or disposal as aforesaid,

and when any utensil, vessel or thing used for preparing, manufacturing, containing or covering any such article is seized under that section,

the person seizing the same shall forthwith remove it, and cause it to be brought before the Cantonment Magistrate in his judicial capacity;

and, if it appears to such Magistrate that any such animal or article is diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it was represented to be, or that any such utensil, vessel or thing is of such kind or in such state as aforesaid,

he shall cause the same to be destroyed or disposed of, at the charge of the owner or the person in whose possession it was found, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for medicine or for the preparation or manufacture of, or for containing or covering, any such article as aforesaid; and may punish such owner or person with fine which may extend to fifty rupees:

Provided that no person who is in possession of any animal or any article or thing as aforesaid as a carrier or bailee thereof shall be liable to fine under this section.

[*Act XVIII of 1889, ss. 65 (2) and 118.*] (868, 870.)

Power to purchase food or drink for analysis.

285. (*1*) If the Cantonment Magistrate, or any person authorised by him under section 283, applies to purchase any article of food or drink exposed for sale, and tenders the price for a quantity such as may be reasonably requisite for the purpose of analysis, the person exposing the same for sale shall be bound to sell such quantity.

(*2*) Whoever, contrary to the provisions of sub-section (*1*), refuses to sell any article of food or drink shall be punishable with fine which may extend to fifty rupees.

CHAPTER XIX. ([a])

HOSPITALS.

Cantonment General Hospitals and Dispensaries.

[*Clause (21).*] (550.)

Maintenance of general hospitals or dispensaries for the sick poor.

286. The Cantonment Authority shall, if and so far as the funds placed at its disposal for the purpose permit, provide and maintain a general hospital or dispensary where the sick poor of the cantonment shall be entitled to receive medical treatment free of charge ; or

it may, with the previous sanction of the Commander-in-Chief, give such grant from the Cantonment Fund as to it may seem proper, upon such terms as it may think fit to impose, in aid of any hospital or dispensary not maintained by the Cantonment Authority at which the sick poor of the cantonment are entitled to receive medical treatment free of charge :

Provided that, without the concurrence of the Local Government, no grant-in-aid to a hospital or dispensary shall be withdrawn or changed in amount, and no alteration shall be made in the terms upon which any such grant-in-aid is made.

[*Clause (21).*] (551.)

Free treatment of pauper strangers in such hospitals.

287. Any persons, other than the sick poor of the cantonment, who, in the opinion of the Cantonment Authority or the Cantonment Magistrate, are fit objects of public charity, may, by written order of the Cantonment Authority or the Cantonment Magistrate, be treated free of charge in any hospital or dispensary maintained or aided under section 286.

[*Clause (21).*] (552.)

Treatment of paying patients in such hospitals.

288. Any person, whether resident in the cantonment or not, who is not, in the opinion of the Cantonment Authority or the Cantonment Magistrate, a fit object of public charity, may, upon such terms as the Cantonment Authority may think fit to impose, obtain medical treatment in any hospital or dispensary maintained or aided under section 286 :

Provided that any charges incurred in respect of such persons shall be reimbursed by them.

Hospitals for infectious or contagious disorders.

Maintenance of hospitals for infectious or contagious orders.

289. (*1*) As many hospitals (if any) as may be necessary within or without the cantonment, as the Cantonment Authority, with the concurrence of the District Magistrate, may determine, shall be maintained at the expense, wholly or in part, of the Cantonment Fund for the treatment of persons suffering from infectious or contagious disorders. [*Clause (21).*] (561.)

(*2*) A hospital for the treatment of persons suffering from infectious or contagious disorders may form part of a general hospital provided under section 286.

Gratuitous treatment and subsistence allowance in such hospitals.

290. (*1*) Every person admitted to a hospital for infectious or contagious disorders shall be treated gratuitously, and if he is without means of support, and either is a resident of the cantonment or was admitted to the hospital on the request or with the consent of the Cantonment Authority, he shall receive from the Cantonment Fund such subsistence allowance, not being less than the lowest allowance for the time being fixed by the Local Government under section 338 of the Code of Civil Procedure, as the Cantonment Authority may determine. [*Clause (21).*] (565, 566.) XIV of 1882.

(*2*) Such subsistence allowance shall be paid, either daily or at such periods in arrear as may be ordered by the Cantonment Authority, in the presence of the medical officer in charge of the hospital, who shall certify monthly to the Cantonment Authority that the allowance has been so paid.

(*3*) A table of the authorised subsistence allowances in English and the vernacular shall be affixed to some conspicuous spot in every ward of every hospital to which the table relates.

Removal of infected person to hospital.

291. (*1*) Where a hospital is maintained by the Cantonment Authority for the treatment of infectious or contagious disorders, the Cantonment Magistrate may, on a certificate signed by a medical officer of the Government or by a medical practitioner, direct or cause the removal to the hospital of any person suffering from such a disorder, who, in the opinion of such medical officer or practitioner, is without proper lodging or accommodation where precautions could be taken to prevent the spreading of the disorder by such person. [*Bombay Act III of 1888, s. 424.*] (572, 573.) (*See 38 & 39 Vict., c. 55, s. 124.*) (*See 53 & 54 Vict., c. 34, s. 12.*)

(*2*) Such direction may be given to the person suffering from the disorder or to any person in charge of or in attendance on him.

Explanation.—The occupation of a room in a sarai or in the enclosure of a temple, or within the limits or in the neighbourhood of a fair-ground or market or other place of public resort, may amount to being without proper lodging or accommodation.

Detention of infected person in hospital.

292. (*1*) The Cantonment Magistrate may by order in writing direct that [*Clause (21).*] (574.)

(a) The sections of this chapter and Chapter XXI dealing with hospitals and the treatment of infectious or contagious disorders are based on precedents in English and Indian Acts and practice. The English Acts referred to are the Public Health Act, 1875, the Infectious Disease (Prevention) Act, 1876, and the Infectious Disease (Prevention) Act, 1890; the Indian Acts are the Indian Penal Code, the Bombay Sanitary Regulation Act, 1867, the City of Bombay Municipal Act, 1888, the Calcutta Municipal Consolidation Act, 1888, the City of Madras Municipal Act, 1884, and the Madras District Municipalities Act, 1884. No reference has been made to the various Contagious Diseases Acts recently repealed. Special attention has been paid to the use of suspected milk and the washing of suspected clothing, and also to the making and sale of clothing and bedding by infected persons.

The provisions of Government of India Notification No. 617, dated the 4th July 1890, published in the *Gazette of India*, 1890, Part I, page 489, have been incorporated in this chapter and Chapter XXXIV.

any person removed under section 291 to a hospital for infectious or contagious disorders, or

any person suffering from an infectious or contagious disorder, who is then in such a hospital, and who would not, on leaving the hospital, be provided with proper lodging or accommodation where precautions could be taken to prevent the spreading of the disorder by such person,

(See 53 & 54 Vict., c. 34, s. 12.)

shall be detained in the hospital for any period specified in the order.

(2) No order shall be made under this section except upon the advice of the medical officer in charge of the hospital.

Hospitals generally, and Dispensaries.

[*Clause* (21).] (554, 563.)

Medical officer.

293. A medical officer, to be appointed in such manner as the Governor General in Council may direct, shall be in charge of all hospitals and dispensaries maintained by the Cantonment Authority under this chapter.

[*Clause* (21).] (564.)

Medical subordinates.

294. For each hospital maintained by the Cantonment Authority under this chapter there shall be appointed a hospital assistant and, with the previous sanction of the Commander-in-Chief, such other subordinate establishments as the Cantonment Authority may consider necessary.

[*Clause* (21).] (553.)

Medical supplies, hospital furniture and diet.

295. So far as the funds placed at its disposal for the purpose permit, the Cantonment Authority shall

furnish every hospital and dispensary maintained by it under this chapter with all necessary drugs, instruments, apparatus, furniture and appliances on a scale to be approved by the Local Government, and

provide every such hospital with a sufficient quantity of cots, bedding and clothing for in-patients admitted into the hospital.

[*Clause* (21).] (555.)

Regulation of hospitals and dispensaries and notification of hospital rules.

296. (1) Every hospital and dispensary maintained by the Cantonment Authority under this chapter shall be maintained in accordance with the rules made generally or specially by the Governor General in Council or the Local Government for the conduct of hospitals and dispensaries respectively, or in accordance with the said rules modified in such manner as the Governor General in Council or the Local Government may think proper.

(2) A copy of such of the said rules as affect the patients, inmates or visitors in, of or to any hospital or dispensary shall be affixed in English and the vernacular to some conspicuous spot in each ward or room thereof.

(3) Until such copies have been so affixed in a ward or room, no patient, inmate or visitor in, of or to that ward or room shall be dealt with for disobeying any such rule.

[*Clause* (21).] (557.)

Power to expel patients and others disobeying hospital rule.

297. Whoever, being a patient, inmate or visitor in, of or to any such ward or room, disobeys any rule made as aforesaid and affecting him may, under the orders of the medical officer in charge of the hospital or dispensary, or of any other person authorised by the Cantonment Authority in this behalf, be summarily removed from the hospital or dispensary and from the land on which the same is situated.

[*Clause* (21).] (558.)

Penalty for re-entry after expulsion.

298. Whoever, having been removed from a hospital or dispensary under section 297, again enters, or attempts to enter therein or on, the land on which the same is situated without the permission of the medical officer in charge shall be punishable with fine which may extend to fifty rupees.

[*Madras Act III of 1880, s. 68.*] (559.)

Penalty for introducing liquor or drug into hospital.

299. Whoever introduces, or attempts to introduce, without the permission of the medical officer in charge, or throws, or attempts to throw, into any hospital maintained by the Cantonment Authority under this chapter any spirituous or fermented liquor or intoxicating drug or preparation, shall be punishable with fine which may extend to fifty rupees.

CHAPTER XX. (a)

INOCULATION AND VACCINATION.

Preliminary.

[*Clause* (3).] (944.)

Certain cantonments excluded from operation of chapter.

300. This Chapter shall not apply to any cantonment situate in the territories administered respectively by the Lieutenant-Governors of Bengal, the North-Western Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, Burma, Assam, Ajmere and British Baluchistan.

[*Bombay Act I of 1877, s. 2, and Act XIII of 1880, s. 2.*] (946—950, 954.)

Definitions.

301. In this chapter, unless there is something repugnant in the subject or context,—

(1) "parent" means, in the case of a legitimate child, either the father or the mother, and, in the case of an illegitimate child, the mother only;

(2) "guardian" includes any person who has accepted or assumed the care or custody of a child;

(3) "unprotected child" means a child who has not been protected from small-pox by having had that disease, either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under this chapter to be insusceptible to vaccination;

(4) "vaccinator" means any vaccinator appointed under this chapter to perform the operation of vaccination, or any private person authorised by the Local Government in the manner hereinafter provided to perform the same operation; and includes a "superintendent of vaccination;" and

(5) "vaccination-season" means the period from time to time fixed by the Local Government for any cantonment to which this chapter applies by notification in the official Gazette during which alone vaccination may be performed.

(a) This chapter will prohibit inoculation and make vaccination compulsory in every cantonment in the Madras and Bombay Presidencies, the procedure being based on existing Vaccination Acts. For every other province in British India provision has been made by the Legislature in Bengal Acts IV of 1865 and V of 1880 and Act XIII of 1880, which can be brought into force in any cantonment by notification in the Gazette.

Inoculation.

[*Bombay Act IV of 1879, s. 20.*] (951.) 302. Whoever produces, or attempts to produce, in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or to anything impregnated therewith, the disease of small-pox, and

Penalty for inoculating with small-pox.

whoever wilfully by any other means produces the disease of small-pox in any person,

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[*Bombay Act IV of 1879, s. 20.*] (952.) 303. Whoever, having been inoculated with small-pox, or in whom the disease of small-pox has been produced in any such manner as aforesaid, enters any cantonment to which this chapter applies before the lapse of forty days from the date of such inoculation or production of small-pox, or without a certificate from a medical officer of the Government, or from a medical practitioner, or from such person as the Local Government may, by notification in the official Gazette, authorise to grant such certificates, stating that he is no longer likely to produce small-pox by contact or near approach, and

Penalty for entering cantonment after inoculation.

whoever, having the charge or control of any person who has been inoculated with small-pox, or in whom the disease of small-pox has been produced as aforesaid, knowingly, within such period or without such certificate as aforesaid, brings such person into, or causes or permits him to enter, any such cantonment,

shall be punishable with fine which may extend to fifty rupees.

Vaccination.

[*Act XIII of 1880, ss. 7 and 8.*] (955, 957.) 304. (*1*) Every cantonment to which this chapter applies shall be a vaccination-circle, or shall, in the manner hereinafter provided, be divided into a number of such circles, and as many vaccinators and superintendents of vaccination shall be appointed for such circles by such authority, and subject to such conditions, as the Local Government may think fit.

Vaccination-circles, and appointment of vaccinators and superintendents of vaccination.

(*2*) The Local Government may, by written license, authorise private vaccinators to perform vaccination in any cantonment to which this chapter applies, and may suspend or cancel any such license.

[*Act XIII of 1880, s. 9.*] (958.) 305 (*1*) When any unprotected child, having attained the age of six months, has resided for a period of one month during the vaccination-season in any cantonment to which this chapter applies, and has not at the expiration of such period attained the age, if a boy, of fourteen years, or, if a girl, of eight years, the parent or guardian of such child shall take it, or cause it to be taken, to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.

Compulsory vaccination of unprotected children.

(*2*) Such vaccinator shall vaccinate the child with all reasonable despatch, and shall deliver to its parent or guardian a memorandum, in such form as the Local Government may prescribe, stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation; or

shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand, in such form as the Local Government may prescribe, to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination-season.

306. The parent or guardian of every child which has been vaccinated under section 305 shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection, or get it inspected at his own house by a vaccinator; and [*Act XIII of 1880, s. 10.*] (959.)

Inspection after vaccination.

such vaccinator shall append to the memorandum a certificate, in such form as the Local Government may prescribe, stating that the child has been inspected and the result of the inspection.

307. If it is ascertained at the time of inspecting a child under section 306 that the vaccination has been successful, a certificate, in such form as the Local Government may prescribe, shall be delivered by the vaccinator to the parent or guardian of the child to that effect, and the child shall thereafter be deemed to be protected. [*Act XIII of 1880, s. 11.*] (960.)

Procedure when vaccination is successful.

308. If it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so directs, cause the child to be forthwith again vaccinated, and subsequently inspected in the manner hereinbefore provided. [*Act XIII of 1880, s. 12.*] (961.)

Procedure when vaccination is unsuccessful.

309. A certificate granted under section 305 showing the unfitness of a child for vaccination shall remain in force for the period stated therein, and on the termination of that period, or, if that period terminates after the vaccination-season is over, when the next vaccination-season begins, the parent or guardian of the child shall take it, or cause it to be taken, to a vaccinator to be vaccinated, or procure its vaccination at his own house by a vaccinator: [*Act XIII of 1880, s. 13.*] (962.)

Procedure when child has been certified to be unfit for vaccination.

Provided that, if the child is still found to be in a state unfit for vaccination, the certificate granted under section 305 shall be renewed.

310. If a superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of the child a certificate under his hand, in such form as the Local Government may prescribe, to that effect, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated. [*Act XIII of 1880, s. 14.*] (963.)

Certificate of insusceptibility of successful vaccination.

311. Every superintendent of vaccination shall ascertain whether all unprotected children under the age of fourteen years [*Act XIII of 1880, s. 17.*] (966.)

Search for unprotected children.

if boys, and under the age of eight years if girls, within the local area under his superintendence have been vaccinated; and,

if he has reason to believe that the parent or guardian of any such child is bound by the provisions of this chapter to procure the vaccination of the child or to present it for inspection, and has omitted so to do, he shall personally go to the house of such parent or guardian and there make inquiry, and shall, if the fact is proved, forthwith deliver to the parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in the notice.

[*Act XIII of 1880, s. 15.*] (967.)

Cantonment Magistrate's order requiring child to be vaccinated.

312. If such notice is not complied with, the superintendent of vaccination shall report the matter to the Cantonment Magistrate, who shall thereupon by notice require the parent or guardian of the child to make an explanation, and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice of the superintendent before a date to be specified in the order.

[*Act XIII of 1880, s. 15.*] (964.)

Regulation of the use of lymph.

313. The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by rules made under section 316:

Provided that—

(*a*) if animal-lymph is so prescribed, and the parent or guardian of any child desires that the child should be vaccinated with human-lymph, the child shall be so vaccinated; and

(*b*) if, where animal-lymph is procurable, human-lymph is so prescribed, and the parent or guardian of any child desires that the child should be vaccinated with animal-lymph, the child shall be so vaccinated.

[*Act XIII of 1880, s. 16.*] (965.)

Fees not chargeable by public vaccinators.

314. No fee shall be charged by any vaccinator, except a private vaccinator, to the parent or guardian of any child for any of the duties imposed on the vaccinator by or under this chapter.

[*Madras Act IV of 1884, s. 139.*] (968.)

Females not to be compelled to appear in public.

315. If the parent or guardian of any child be a female, nothing in this chapter shall be held to compel her to appear in public against the custom of her class, or to have the child vaccinated elsewhere than in her own house.

[*Act XIII of 1880, ss. 21, 22.*] (969, 970.) XIII of 1889.

Power to make rules as to vaccination.

316. (*1*) The Cantonment Authority may make rules, consistent with the Cantonments Act, 1889, and this Code, to provide for all or any of the following matters, namely:

(*a*) the division of the cantonment into circles for the performance of vaccination;

(*b*) the appointment of a place in each vaccination-circle to be a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station;

(*c*) the time of attendance of public vaccinators at vaccine-stations;

(*d*) the distinguishing mark or badge to be worn by public vaccinators;

(*e*) the amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties;

(*f*) the facilities to be afforded to the people for procuring the vaccination of children at their own houses;

(*g*) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph;

(*h*) the preparation and keeping of registers showing—

(*i*) the names of children born in the cantonment after the commencement of this Code;

(*ii*) the names of unprotected children born in the cantonment before the commencement of this Code, and who are at the commencement of this Code under the age of fourteen years if boys, and of eight years if girls;

(*iii*) the names of unprotected boys and girls, respectively, under those ages brought within the cantonment at any time after the commencement of this Code, and who have resided there for one month; and

(*iv*) the result of each vaccination or its postponement, and the delivery of certificates;

(*i*) the assistance to be given by the servants of the Cantonment Authority in the preparation of the aforesaid registers and in other matters; and

(*j*) the preparation of vaccination reports and returns.

(*2*) Where there is a Cantonment Committee, rules under this section may be made only at a special meeting.

(*3*) No rule made under this section shall come into force until it has been confirmed by the Commander-in-Chief and the Local Government and notified by public notice.

(*4*) Whoever disobeys any rule made under this section shall be punishable with fine which may extend to twenty rupees.

Penalty for neglecting to have child inspected.

[*Bengal Act V of 1880, s. 28, and Clause (21).*] (971.)

317. Whoever, being the parent or guardian of a child, and bound by any provision of this chapter to produce the child for inspection, without reasonable excuse neglects or refuses so to do, shall be punishable with fine which may extend to fifty rupees; and

the Cantonment Magistrate may, if a superintendent of vaccination so advises, by written order, direct such parent or guardian to forthwith cause the child to be vaccinated, or to take such other measure therewith, consistent with this chapter, as may be specified in the order:

Provided that no prosecution under this section shall be instituted after the expiry of twelve months from the date on which the offence was committed.

[Act XIII of 1880, s. 22, and Clause (21).]

Penalty for disobeying order under section 312 or section 317.

318. Whoever without just cause neglects to obey an order made under section 312 or section 317 shall be punishable with fine which may extend to twenty rupees.

[Bengal Act V of 1880, s. 29-A, and Clause (21).] (976.)

Penalty for obstructing vaccinator in his duties.

319. (1) Whoever voluntarily obstructs any vaccinator in the discharge of the duties assigned to him as such shall be punishable with fine which may extend to fifty rupees.

(2) Whenever any person who has been fined for an offence against sub-section (1) again commits such an offence, he may be punished, in lieu of fine, with imprisonment for a term which may extend to eight days.

[Clause (21).] (974.)

Penalty for false answer to enquiries of superintendent of vaccination.

320. If the parent or guardian of any child fails to answer, or knowingly makes a false answer to, any question put to him by a superintendent of vaccination as to the fact of the child's having been protected from small-pox, he shall be punishable with fine which may extend to twenty rupees.

[Bombay Act I of 1877, s. 23, and Clause (21).] (972.)

Offences by vaccinators.

321. (1) If any vaccinator bound by any provision in this chapter to do any of the following things, that is to say:—

(a) to vaccinate any child,

(b) to deliver any memorandum or certificate to the parent or guardian of any child, or

(c) to inspect any child,

neglects or unreasonably refuses so to do, he shall be punishable with fine which may extend to fifty rupees.

(2) If any vaccinator—

(a) causes, or attempts to cause, the vaccination of a protected child, or of a child in respect of whom a certificate has been delivered to any person under section 310, or

(b) vaccinates, or attempts to vaccinate, any child in contravention of section 313,

he shall be punishable with fine which may extend to fifty rupees.

[Bombay Act I of 1877, s. 25.] (972 (c).)

Public vaccinator accepting illegal fee or remuneration.

322. If any public vaccinator accepts or obtains, or agrees to accept or attempts to obtain, from any parent or guardian any fee or remuneration for any of the duties imposed on the vaccinator by or under this chapter, he shall be deemed to have committed an offence punishable under section 161 of the Indian Penal Code. XLV of 1860.

[Bombay Act I of 1877, s. 21, proviso, and Clause (21).] (973.)

Offences by superintendent of vaccination.

323. (1) If any superintendent of vaccination—

(a) neglects to ascertain whether an unprotected child has been vaccinated within the local area under his superintendence, or

(b) neglects to make any report which he is bound by section 312 to make, or

(c) makes a report under section 312 without having reasonable grounds therefor,

he shall be punishable with fine which may extend to fifty rupees.

(2) Whenever any fine is imposed for an offence mentioned in clause (c) of sub-section (1), the Cantonment Magistrate may grant the whole or such portion of the amount realised, as he may think fit, as compensation to any person appearing to him to have been injuriously affected by the report referred to in that clause.

[Bombay Act I of 1877, s. 24, and Clause (21).] (975, 977.)

Penalty for falsifying certificate.

324. Whoever wilfully signs or makes, or procures the signing or making of, any false certificate or memorandum purporting to be signed or made under this chapter shall be punishable with fine which may extend to fifty rupees.

[Clause (21).] (972, 973, 975.)

Fines imposed on vaccinators to be in addition to other penalties.

325. Any fine imposed under section 321, section 323 or section 324 on a vaccinator or superintendent of vaccination who has committed an offence may be in addition to, or in lieu of, any penalty prescribed for that offence by the Local Government in the conditions of his appointment or in the terms of his license, as the case may be.

Powers of Entry and Inspection.

[Clause (28).] (978.)

Power to enter and inspect in case of breach of provisions as to inoculation.

326. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, at all reasonable times, enter into and inspect any building or land wherein or whereon such Magistrate has reason to believe that—

(a) any operation for inoculating any person with small-pox is being, or is about to be, carried on, or

(b) there is any person who has been inoculated with small-pox, or in whom the disease of small-pox has been produced, and who has entered or been brought into the cantonment in contravention of section 303.

CHAPTER XXI. ([a])

FURTHER PROVISIONS FOR PREVENTING THE SPREAD OF INFECTIOUS DISORDERS.

[Clause (21).] (570.)

Medical officers to report existence of infectious disorder.

327. It shall be the duty of every medical officer of the Government to give information to the Cantonment Magistrate and the Cantonment Authority of the existence of any infectious disorder in the cantonment or its neighbourhood of which he becomes cognizant.

Penalty for failing to give information or for giving false information as to infectious disorder.

[Bombay Act III of 188[illegible], s. 421, and Clause (21).] (571.)

328. Whoever,—

(a) being a medical practitioner or other person openly and constantly practising the medical profession in a cantonment, and becoming cognizant of the existence of any infectious disorder in any private dwelling therein or in any public dwelling therein other than a public hospital, or

(b) (in default of such medical practitioner or person practising the medical

---

([a]) See footnote to Chapter XIX.

profession,) being the owner or occupier of any such dwelling, and being cognizant of the existence of any such disorder therein, or

(c) (in default of such owner or occupier) being the person in charge of or in attendance on any person suffering from any such disorder in any such dwelling, and being cognizant of the existence of any such disorder therein,

fails, by himself or by any inmate of such dwelling, or by a servant or other person, to give information, or gives false information, to the Cantonment Magistrate, or to some person appointed by him or by the Cantonment Authority in this behalf, respecting the existence of such disorder shall be punishable with fine which may extend to fifty rupees:

Provided that where any person is not required to give information in the first instance, but is only required to give it in default of some other person, he shall not be punished if it is shown that he had reasonable cause to suppose that the information had been duly given.

[Clause (21.)] (590.)

329. Whenever it is certified to the Cantonment Magistrate by a medical officer of the Government or by a medical practitioner that the outbreak or spread of any infectious disorder is, in the opinion of such medical officer or practitioner, attributable to the milk supplied by any dairyman, the Cantonment Magistrate may by notice require the dairyman to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment, or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

Power to require names of dairyman's customers.

[Clause (21.)] (591.) (See 53 & 54, Vict., c. 34, s. 4.)

330. Whenever it is certified to the Cantonment Magistrate by the Sanitary Officer that it is desirable, with a view to prevent the spread of any infectious disorder, that such Sanitary Officer should be furnished with a list of the customers of any washerman, the Cantonment Magistrate may by notice require the washerman to furnish the Sanitary Officer with a full and complete list of the names and addresses of the owners of clothes and other articles for whom the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

Power to require names of washerman's customers.

[Clause (21.)] (592, 593.)

331. (1) If any person specified in a list furnished under section 329 or section 330 or indicated by a dairyman under section 329,

Inquiries as to infectious disorder arising from milk or washed clothes.

or any servant, follower or agent, or member of the family, of any such person, or any other person under his control,

fails to answer, or knowingly makes a false answer to, any question asked by the Sanitary Officer, or by a medical officer of the Government appointed by the Sanitary Officer in this behalf, as to the existence of any infectious disorder caused by, or likely to have arisen from, or to have been spread by, any milk or washed clothes or other articles,

he shall be punishable with fine which may extend to fifty rupees.

(2) The Sanitary Officer, or any medical officer appointed as aforesaid, may take possession of any such milk, clothes or articles, and subject the same, or cause the same to be subjected, to any chemical or other process which he may think necessary; and

the Cantonment Authority shall pay from the Cantonment Fund all the costs of any such process, and shall also pay to the owner of the milk, clothes or other articles such sum as compensation for any loss occasioned by such process as may in the circumstances appear to it to be reasonable.

332. (1) If the Sanitary Officer has reason to believe that any person is suffering from an infectious disorder attributable to milk supplied within the cantonment from a dairy, or to clothes or other articles washed in a place, situated beyond the cantonment, or that [Clause (21).] (879.) (See 53 & 54, Vict., c. 34, s. 4.)

Procedure where introduction of infectious disorder is attributable to supply of milk from, or to washing of clothes, &c., outside, the cantonment.

the consumption of milk from any such dairy, or the washing of clothes or other articles in any such place, is likely to cause the introduction of an infectious disorder into the cantonment,

he shall make a report to the Cantonment Authority.

(2) Upon receipt of any such report, the Cantonment Authority may, with the concurrence of the Magistrate of the district in which such dairy or such place as aforesaid is situated, move the Local Government to extend, under section 28 of the Cantonments Act, 1889, such of the provisions of this Code as relate to dairies or the places of business of washermen, as the case may be, to the area within which such dairy or place is situated. XIII of 1889.

333. (1) The Cantonment Authority may provide and maintain suitable conveyances for the free carriage of persons suffering, or of the bodies of persons who have died, from any infectious disorder, and for the free transport of clothing, bedding or other articles which have been exposed to the infection of any infectious disorder. [Bengal Act II of 1888, s. 328.] (577.)

Special conveyances for carriage of infected persons, corpses, clothing, bedding, &c.

(2) When such conveyances have been provided, the Cantonment Authority may, by public notice, prohibit the carriage of any such person, body, clothing, bedding or other article as aforesaid by or in any public conveyance within the cantonment.

334. Any person suffering from an infectious disorder, who causes himself without proper precaution against spreading the disorder to be conveyed in any public conveyance, [Madras Act I of 1884, s. 375.] (578.)

Penalty for use of public conveyance by infected person.

any person in charge of or accompanying a person so conveyed, and

any person who, knowing himself to be suffering from an infectious disorder, enters a public conveyance without previously notifying to the owner or driver thereof that he is so suffering,

shall be punishable with fine which may extend to fifty rupees.

[Clause (21).] (579.)

Penalty for using public conveyance for carriage of infected corpse.

335. Whoever hires or uses a public conveyance for the carriage of the body of a person who has died from an infectious disorder without previously notifying to the owner or driver of the conveyance that the person whose body is, or is intended, to be carried has died from such a disorder shall be punishable with fine which may extend to fifty rupees.

[Madras Act I of 1884, s. 375.] (580.)

Compensation to owner or driver of public conveyance used for carriage of infected person or corpse.

336. Where a fine has been imposed under section 334 or section 335 for the use of a public conveyance contrary to the provisions of either of those sections, the Cantonment Magistrate may grant the whole or such portion as he thinks fit of the amount realised to the owner or driver of the conveyance as compensation for the expense of properly disinfecting the same and for any loss incurred by him in consequence of the use to which it was put.

[Madras Act I of 1884, s. 376.] (581.)

Condition as to hiring public conveyance for carriage of infected person or corpse.

337. No owner or driver of a public conveyance shall be required to convey any person suffering, or the body of any person who has died, from an infectious disorder without payment or tender of a sum sufficient to cover such expense and loss as are referred to in section 336, anything in any Act relating to public conveyances for the time being in force in the cantonment to the contrary notwithstanding.

[Bombay Act III of 1888, s. 431.] (582.) (See 53 & 54 Vict., c. 34, s. 11.)

Penalty for neglecting to disinfect public conveyance after carrying infected person or corpse.

338. Whoever, being the owner, driver or person in charge of a public conveyance in which any person suffering, or the body of any person who has died, from an infectious disorder has been carried, fails to provide for the immediate disinfection of the conveyance in such manner as the Cantonment Authority may by public notice prescribe in this behalf shall be punishable with fine which may extend to fifty rupees.

[Madras Act I of 1884, s. 372.] (583.) (See 53 & 54 Vict., c. 34, s. 5.)

Disinfection of building or articles therein.

339. If the Cantonment Magistrate is, upon the advice of the Sanitary Officer, of opinion that the cleansing or disinfecting of any building or part thereof, or of any article therein likely to retain infection, would tend to prevent or check the spread of any infectious disorder, he may by notice require the owner or occupier to cleanse and disinfect the same within a period to be specified in the notice:

Provided that where, in the opinion of the Cantonment Magistrate, the owner or occupier is from poverty or for any other reason unable effectually to carry out any such requisition, the Cantonment Magistrate may, at the expense of the Cantonment Fund, cleanse or disinfect the building or part, or any articles therein likely to retain infection.

[Bengal Act II of 1888, s. 326, and Bombay Act III of 1888, s. 426.] (584.)

Destruction of infected hut or shed.

340. (1) If the Cantonment Authority is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any infectious disorder, it may, after giving the owner or occupier thereof reasonable notice, destroy the hut or shed and the materials thereof.

(2) The Cantonment Authority shall pay such compensation (if any) as it may consider reasonable to any person sustaining substantial loss by the destruction of any hut or shed under this section, but no person shall be entitled as of right to claim compensation for any loss or damage sustained by him by reason of such destruction.

Temporary shelter while building is being disinfected or when infected hut is destroyed.

341. The Cantonment Authority shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious disorder has appeared, who have been compelled to leave their dwellings in consequence of any proceedings taken under section 339 or section 340. [Clause (21).] (585.) (See 53 & 54 Vict., c. 34, s. 15.)

Penalty for letting infected building.

342. (1) Whoever knowingly lets any building or part of a building in which any person has within the six weeks immediately preceding been suffering from an infectious disorder without having such building or part, and all articles therein liable to retain infection, disinfected in such manner as the Cantonment Authority may by public or special notice prescribe in this behalf shall be punishable with fine which may extend to fifty rupees. [Madras Act I of 1884, s. 377.] (586.)

(2) For the purposes of this section, the keeper of a sarai shall be deemed to let part of a building to any person who is admitted as a guest into the sarai.

Penalty for leaving infected building without disinfecting it or informing owner of the infection, or for failing to answer or falsely answering inquiries of owner or new tenant.

343. Whoever ceases to occupy any building or part of a building in which any person has within the six weeks immediately preceding been suffering from an infectious disorder without having such building or part, and all articles therein liable to retain infection, disinfected in such manner as the Cantonment Authority may by public or special notice prescribe in this behalf, or without first giving to the owner or occupier of the building or part notice of the previous existence of such disorder, [Clause (21).] (587.) (See 53 & 54 Vict., c. 34, s. 7.)

and whoever, on or after ceasing to occupy any building or part of a building, fails to answer, or knowingly makes a false answer to, any question asked by the owner thereof, or by any person negotiating for the hire of such building or part, as to the fact of there having within the six weeks immediately preceding been therein any person suffering from an infectious disorder,

shall be punishable with fine which may extend to fifty rupees.

Disinfection or destruction of infected articles.

344. (1) The Cantonment Authority may provide a proper place or places, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have been exposed to the infection of any infectious disorder; and [Madras Act I of 1884, s. 373.] (588.) (See 53 & 54 Vict., c. 34, s. 6.)

the Cantonment Magistrate may by public or special notice require any person having charge of infected articles to take them to any such place to be disinfected free of charge :

(2) The Cantonment Magistrate may, upon the advice of the Sanitary Officer, at any time direct the destruction of any clothing, bedding or other article which is likely to retain infection, and the Cantonment Authority shall pay such compensation (if any) as it may consider reasonable for any article so destroyed.

[*Madras Act I of 1884, s. 374.*] (589.)

345. Whoever without previous disinfection of the same gives, lends, sells, transmits or otherwise disposes of to another person any article or thing which he has reason to know has been exposed to the infection of any infectious disorder shall be punishable with fine which may extend to fifty rupees :

Penalty for improper disposal of infected article.

Provided that nothing in this section shall apply to any person who transmits with proper precautions any article or thing for the purpose of having the same disinfected.

[*Clause* (21).] (576, 599.)

346. (1) The Cantonment Authority shall by public notice prescribe the manner in which excreta and other offensive matter and rubbish which has been exposed to the infection of any infectious disorder shall be dealt with or disposed of.

Disposal of infected excreta and other matter.

(*See 53 & 54 Vict., c. 34, s. 13.*)

(2) Whoever deposits, or causes or permits to be deposited, any excreta or other offensive matter or rubbish which has been exposed to the infection of any infectious disorder

in any private or public receptacle or place used or appointed for the deposit of offensive matter or rubbish

shall be punishable with fine which may extend to fifty rupees, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

[*Clause* (21).] (600, 601.)

347. (1) No land shall be selected in a cantonment for use as a cholera hospital or cholera camp without giving the Cantonment Magistrate and the Sanitary Officer an opportunity of stating their opinion upon the proposed selection.

Cholera hospitals and camps in cantonments.

(2) Whenever any land in a cantonment is used as aforesaid, it shall be ploughed up as soon as it has ceased to be put to such use.

[*Clause* (21).] (568.)

348. The Cantonment Authority may provide or prescribe suitable routes for the use of persons passing through the cantonment on their way to or from fairs or places of pilgrimage or other places of public resort, or passing through the cantonment during times when an infectious disorder is prevalent, and may by public notice require such persons to use such routes and no others.

Routes for pilgrims and others.

[*Act XVIII of 1889, s. 109, and Clause* (21).] (790.

349. Whoever, when suffering from contagious leprosy or from any infectious disorder, makes or offers for sale any article of food or drink for man, or any drug or medicine, or takes any part in the business of depositing or washing soiled clothes, shall be punishable with fine which may extend to fifty rupees.

Penalty for making or selling food, &c., by person suffering from contagious leprosy or an infectious disorder.

350. The Cantonment Authority may by notice prohibit any person, while suffering from or likely to spread any infectious disorder, from making, carrying or offering for sale, or from taking any part in the business of making, carrying or offering for sale, [*Clause* (...)] (57...)

Power to prohibit the making, carrying or selling of clothes, bedding or other articles by infected person.

any article of clothing or bedding, or anything for use in the making of clothing or bedding, or any other article for personal wear or use which may be specified in the notice.

351. If any cantonment is at any time visited or threatened with an outbreak of any infectious disorder which the District Magistrate reports to be epidemic in the neighbourhood, [*Clause* (...)] (698, 7...)

Power to prohibit or restrict sale of specified articles of food or drink, on outbreak of infectious disorder.

the Cantonment Authority may, on the advice of the Sanitary Officer, by public notice, restrict, in such manner as it may think necessary, or prohibit absolutely, the sale or preparation of any article of food or drink for human consumption specified in the notice, or the sale of the meat of any description of animal specified in the notice, for such period as it may think proper.

352. If at any time the Cantonment Authority considers that the provisions of this Code or any other law for the time being in force in the cantonment are insufficient for the purpose of preventing the outbreak or spread of any infectious disorder, it may, with the previous sanction of the Local Government, or of such authority as the Local Government may by general or special order appoint in this behalf, [*Bombay Act III of 18..., s. 434.*] (567.)

Power to take other special measures to prevent outbreak or spread of infectious disorder.

(*a*) take such special measures, and

(*b*) by public notice prescribe such temporary rules to be observed by the public or by any person or class of persons,

as it may deem necessary.

Powers of Entry and Inspection.

353. (1) Whenever any dairyman or washerman has been required under section 329 or section 330 to furnish any list or information, the Sanitary Officer, by himself or by any medical officer of the Government specially deputed in writing by him in this behalf, may, at all reasonable times, enter into and inspect the dairy of such dairyman, or any place at which such washerman washes or keeps clothes or other articles in the course of his business, and, [*Clauses* (...) *and* (28).] (878.) [*See 53 & ... Vict., c. ... 4.*]

Power to inspect dairy or washerman's place of business, and order on such inspection.

if, after such inspection, the Sanitary Officer is of opinion that any infectious disorder is caused, or is likely to arise, from the consumption of the milk supplied from such dairy, or from the washing of soiled clothes or other articles in any such place as aforesaid, or from any process employed by such washerman, he shall make a report to the Cantonment Magistrate.

(2) Upon receipt of any such report the Cantonment Magistrate may by notice—

(*a*) prohibit the occupier of the dairy from supplying milk therefrom until the notice has been withdrawn, or

(*b*) prohibit the washerman from washing soiled clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner or washes by such process as the Cantonment Magistrate may direct in the notice.

[*Clause* (28).] (862 (*d*), 875, 876.)

Further powers of entry in case of infectious disorders.

354. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, at all reasonable times, enter into and inspect—

(*a*) any building or land in or on which any infectious disorder is believed to exist, or

(*b*) any building which the Cantonment Magistrate has reason to believe to require cleansing or disinfecting for the purpose of preventing the spread of any infectious disorder, or

(*c*) any hut or shed the destruction of which the Cantonment Authority has reason to believe to be necessary for such purpose as aforesaid, or

(*d*) any building or land in or on which there is any public conveyance which the Cantonment Magistrate has reason to believe to require disinfecting for such purpose as aforesaid, or

(*e*) any building or land in or on which there is any clothing, bedding or other article which the Cantonment Magistrate has reason to believe to require cleansing or disinfecting, or the destruction of which the Cantonment Magistrate has reason to believe to be necessary, for such purpose as aforesaid, or

(*f*) any building or land in or on which any excreta or other offensive matter or rubbish has been deposited in contravention of section 346, or

(*g*) any building or land in or on which the Cantonment Magistrate has reason to believe that any person suffering from contagious leprosy or from any infectious disorder is making or offering for sale any article of food or drink for man, or any drug or medicine, or is taking part in the business of depositing or washing soiled clothes.

CHAPTER XXII. ([a])

DISPOSAL OF THE DEAD.

[*Clause* (18).] (742, 745, 746 (*a*), 762.)

Certain burial-grounds partly excepted from operation of chapter.

355. Sections 356 to 362 (both inclusive) shall not apply to any burial-ground which is for the time being managed under rules published in the Public Works Department Code.

Cantonment Authority's control over burial and burning grounds.

356. All places in a cantonment which are, or have recently been, used as burial or burning grounds shall be under the survey and control of the Cantonment Authority. [*Madras Act I of 1884, s. 380, and Clause* (18).] (742.)

Power to provide new burial or burning grounds.

357. The Cantonment Authority may, with the previous sanction of the Commander-in-Chief, provide, and by public notice appoint, such fit and convenient places as to it may seem proper for use as burial or burning grounds. [*Madras Act IV of 1884, s. 234.*] (743.)

Power to close burial or burning ground and provide a new ground.

358. (*1*) The Cantonment Authority may by public notice, with the previous sanction of the Commander-in-Chief, and after considering any objections which may be preferred within three months from the publication of the notice, [*Act XVIII of 1889, s. 58, and Clause* (18).] (751.)

order any burial or burning ground which is, in its opinion, dangerous to the health of, or offensive to persons living in, the neighbourhood, or otherwise likely to cause inconvenience to the public, to be closed from a date to be specified in the notice,

and shall in such case, with the like sanction, if no suitable place for the burial or burning of the dead exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial-places in any burial-ground to which a notice issued under this section relates may be excepted from the notice, subject to such conditions as the Cantonment Authority may impose in that behalf:

Provided that the limits of such burial-places are sufficiently defined and that they shall only be used for the burial of members of the family beneficially interested therein.

(3) A copy of any public notice issued under this section shall be affixed in English and the vernacular to some conspicuous spot on or near the place to which the original relates. [*Bombay Act III of 1888, s. 438 (4).*] (752.)

Power to re-open a closed burial or burning ground.

359. The Cantonment Authority may, with the sanction of the Commander-in-Chief, at any time after closing a burial or burning ground, re-open the same, if it is, in the opinion of the Cantonment Authority, no longer dangerous to the health of, or offensive to persons living in, the neighbourhood, or otherwise likely to cause inconvenience to the public. [*Bombay Act III of 1888, s. 439.*] (754.)

Power to make rules for burial and burning grounds.

360. (*1*) The Cantonment Authority may make rules, consistent with the Cantonments Act, 1889, and this Code, to provide for all or any of the following matters, namely: [*Clause* (18). (745, 746.)] XIII of 1889.

(*a*) preventing nuisances or obstruction in a burial or burning ground or in the approaches thereto;

(*b*) keeping a burial or burning ground in a cleanly and proper condition;

(*c*) the appointment of a person or persons to have charge of a burial or burning ground;

(*d*) fixing, in accordance with the custom of the class to which the deceased belonged,

([a]) This chapter provides for bringing native burial and burning grounds, when situated in cantonments, under rather more careful sanitary supervision and control than heretofore; for preventing the disposal of corpses in insanitary methods; and for the proper removal of corpses.

The provisions are based on existing Municipal Acts and practice.

the hours during which a burial or burning ground may be used for the disposal of corpses;

(e) securing reasonably free use of the rites of their religion by the persons in charge of any corpse brought for disposal to a burial or burning ground, and providing for the exercise of those rites on behalf of such persons as may desire them;

(See Bengal Act V of 1881, s. 8 (d).) (f) the appointment and control of the persons employed in digging graves, burning corpses or disposing of the dead at a burial or burning ground, and regulating the manner in which all work in a burial or burning ground shall be executed;

(See Bengal Act II of 1888, s. 384.) (g) the supply of necessaries for burying or burning corpses at a burial or burning ground to such persons as may require them;

(See Bengal Act II of 1888, s. 378.) (h) fixing the fees, dues or rates which may be charged for—

(i) the burial or burning of a corpse in a burial or burning ground,

(ii) the services of the persons appointed by the Cantonment Authority to perform the rites observed at such burial or burning, whenever such persons are so employed, and

(iii) the necessaries for burying or burning supplied by the Cantonment Authority;

(See Bengal Act V of 1881, s. 8 (b).) (i) the preservation, repair or removal of existing monuments, and regulating the dimensions and the erection of new monuments, in a burial ground;

(j) the maintenance of sufficient walls or fences, entrances, approaches, roads, pathways, wells and buildings for a burial or burning ground;

(See Bombay Act III of 1881, s. 436.) (k) the maintenance of a plan of every burial or burning ground, showing the extent and boundaries of the same, the approaches, roads, pathways and buildings thereto and therein, the spaces occupied by existing graves, the spaces allotted for future graves, and the alignment to be observed in digging, building or constructing graves;

See Bengal Act II of 1888, s. 412 (n).) (l) the periodical inspection of burial and burning grounds; and

(m) generally the control and management of burial and burning grounds.

(2) Where there is a Cantonment Committee, rules under this section may be made only at a special meeting.

(3) No rule made under this section shall some into force until it has been confirmed by the Commander-in-Chief and the Local Government.

[Clause (18).] (748.) **361.** (1) A copy of all rules made under section 360, and of the table of fees, dues or rates (if any) fixed by rule under clause (h) of that section, shall be affixed in English and the vernacular to some conspicuous spot in each burial or burning ground to which the rules, fees, dues or rates, as the case may be, relate.

Notification of rules made for burial or burning ground.

(2) Until a copy of the said rules has been so affixed, no person shall be punished for disobeying any such rule.

362. Whoever disobeys any rule made under section 360 shall, subject to the provision of section 361, sub-section (2), be punishable with fine which may extend to twenty rupees. [Bengal Act II of 1888, s. 417.] (747.)

Penalty for disobeying rule made for burial or burning ground.

363. Whoever without the permission in writing of the Cantonment Authority buries, or causes to be buried, any corpse or part of a corpse in a grave or vault, or otherwise, in such manner that the surface of the coffin, or, where no coffin is used, the surface of the corpse or part, is at a less depth than five feet from the surface of the ground shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days. [Bombay Act III of 1888, s. 441 (f), and Clause (18).] (763.)

Penalty for burying too near the surface.

364. Whoever builds or digs, or causes to be built or dug, any grave or vault in any burial ground at a less distance than two feet from the margin of any other grave or vault shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days. [Bombay Act III of 1888, s. 441 (g), and Clause (18).] (764.)

Penalty for making grave too close to neighbouring graves.

365. Whoever without the written permission of the Cantonment Authority re-opens for the interment of a corpse or any part of a corpse a grave or vault already occupied shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days. [Bombay Act III of 1888, s. 441 (i), and Clause (18).] (766.)

Penalty for re-opening grave.

366. Whoever after bringing, or causing to be brought, to a burial or burning ground any corpse or part of a corpse fails to bury or burn the same, or to cause the same, to be buried or burnt, within six hours after its arrival at the ground shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days. [Bombay Act III of 1888, s. 441 (k), and Clause (18).] (767.)

Penalty for failing to bury or burn corpse within six hours after arrival at burial or burning ground.

367. Whoever when burning, or causing to be burnt, any corpse or part of a corpse permits the same or any portion thereof to remain without being completely reduced to ashes, or permits any cloth or other article used for the conveyance or burning of such corpse or part to remain on or near the place of burning without its being completely reduced to ashes, shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days. [Bombay Act III of 1888, s. 441 (l), and Clause (18).] (768.)

Penalty for incomplete burning.

368. Whoever without the written permission of the Cantonment Authority granted with the general or special sanction of the Commander-in-Chief,— [Bombay Act III of 1888, s. 440, and Clause (18).] (760.)

Penalty for disposing of corpse at unauthorised place, or exhuming corpse.

(*a*) makes any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship, or

(*b*) makes any interment, or otherwise disposes of any corpse, in any place which is for the time being closed for the disposal of the dead by notice under section 358, or

(*c*) builds, digs, or causes to be built or dug, any grave or vault, or burns or in any other way disposes of, or suffers or permits to be disposed of, any corpse at any unauthorised place, or

(*d*) exhumes any body, except under the provisions of section 176 of the Code of Criminal Procedure, 1882, or of some other law for the time being in force, from any place for the disposal of the dead, (X of 1882.)

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[*Clause* (18).] (761.)

Powers in respect of improperly disposed of corpses.

369. Whenever a corpse has been buried, burnt or otherwise disposed of or exhumed in contravention of any of the provisions of this chapter, the Cantonment Authority may, if it thinks fit, with the concurrence of the Sanitary Officer, take such order therewith, or with the remains thereof, as shall ensure its or their proper disposal in accordance with law, and may for that purpose exhume any corpse and remove it for such disposal.

[*Bengal Act III of 1884, s. 260.*] (769.)

Disposal of corpses of paupers and unknown persons.

370. The Cantonment Authority may out of the Cantonment Fund provide for the burial, burning or other lawful disposal, free of charge, of the corpses of paupers and unknown persons who have died within the cantonment.

Removal of Corpses.

[*Bombay Act III of 1888, s. 441 (a).*] (755.)

Period for disposal of corpses.

371. (*1*) The Cantonment Authority shall by public notice direct that all corpses be buried, burnt or otherwise disposed of according to the custom of the class to which the deceased belonged within twenty-four hours after death if the death occurs in the cold season, or within twelve hours after death if the death occurs in the hot season.

(*2*) The periods of the year to be included in the cold season and the hot season respectively for the purposes of this section shall be determined for each cantonment on the advice of the Sanitary Officer, and shall be specified in the said notice.

[*Clause* (21).] (594, 595.) (*See* 53 & 54 *Vict., c.* 34, *s.* 8.)

(*3*) Where any person has died from an infectious disorder, the Cantonment Magistrate may by notice direct any person having charge of the corpse to bury, burn or otherwise dispose of the same according to the custom of the class to which the deceased belonged forthwith, or within any period shorter than that prescribed under sub-section (*1*) which may be specified in the notice.

Provision of mortuaries and removal of infected corpses thereto.

372. The Cantonment Authority may, with the previous sanction of the Commander-in-Chief, provide and maintain mortuaries for the reception of corpses before burial, burning or other disposal, and [*Clause* (21).] (597.)

where any person has died from an infectious disorder, the Cantonment Magistrate may by notice require any person having charge of the corpse to convey the same to such a mortuary, thereafter to be buried, burnt or otherwise disposed of according to the custom of the class to which the deceased belonged. (*See* 38 & 39 *Vict., c.* 55, *ss.* 141, 142.)

Removal of infected corpse.

373. When any person has died from an infectious, disorder, the Cantonment Magistrate may by notice prohibit the removal of the corpse from the place where death occurred, except for the purpose of being buried, burnt or otherwise disposed of according to the custom of the class to which the deceased belonged, or of being conveyed to a mortuary. [*Clause* (21).] (596.) (*See* 53 & 54 *Vict., c.* 34, *s.* 9.)

Routes for carrying corpses.

374. (*1*) The Cantonment Authority may by public notice prohibit the carrying of corpses along any route specified in the notice. [*Bombay Act III of 1888, s.* 441 (*c*), *and Clause* (21).] (598, 757.)

(*2*) The Cantonment Authority may by public notice prescribe the routes by which the corpses of persons who have died from infectious disorders shall be conveyed to the place of burial, burning or other disposal or to a mortuary.

(*3*) If any person carries, or causes to be carried, any corpse or part of a corpse in contravention of any notice issued under this section, he shall, unless no other route was available, be punishable with fine which may extend to twenty rupees.

Penalty for improperly carrying corpse along street or public place.

375. Whoever carries, or causes to be carried, a corpse or part of a corpse along any street or public place without having and keeping the same decently covered, or without taking due precaution to prevent risk of infection or injury to the public health or annoyance to passers-by or to persons dwelling in the neighbourhood, shall be punishable with fine which may extend to twenty rupees. [*Bombay Act III of 1888, s.* 441 (*b*), *and Act XVIII of 1889, s.* 115.] (756.)

Penalty for depositing corpse in street or public place.

376. Whoever, while conveying a corpse or part of a corpse, without sufficient reason places or leaves the same, or causes it to be placed or left, on or near any street or public place, shall be punishable with fine which may extend to twenty rupees. [*Bombay Act III of 1888, s.* 441 (*e*).] (758.)

Penalty for improperly carrying dissected corpse.

377. Whoever removes, or causes to be removed, otherwise than in a closed and properly deodorized receptacle or vehicle, a corpse or part of a corpse which has been kept or used for purposes of dissection, shall be punishable with fine which may extend to fifty rupees. [*Bombay Act III of 1888, s.* 441 (*d*).] (759.)

CHAPTER XXIII. ([a])

ENCAMPING-GROUNDS AND SARAIS.

[*Clause* (*31*).]

Saving of Sarais Act, 1867.

XXII of 1867.

378. Sections 382 to 385 (both inclusive) and 387 to 389 (both inclusive) shall not apply to any cantonment in which the Sarais Act, 1867, is for the time being in force.

Encamping-grounds.

[*Clause* (*17*).] (629.)

Provision and maintenance of encamping-grounds.

379. The Cantonment Authority shall appoint places within the cantonment for use as encamping-grounds, and

shall, so far as the funds placed at its disposal for the purpose permit, with respect to all encamping-grounds from time to time existing within the cantonment, other than military encamping-grounds,—

(*a*) provide all necessary conservancy arrangements therefor,

(*b*) maintain the wells and other sources of water-supply situated therein,

(*c*) provide for the cultivation annually of one-third of the area thereof, and

(*d*) provide for the carrying out of such other arrangements as may from time to time be ordered by the Commander-in-Chief for the proper maintenance thereof.

[*Clause* (*17*).] (645.)

Penalty for using an unauthorised place as an encamping-ground.

380. Whoever without the permission of the Cantonment Authority uses as an encamping-ground any place within a cantonment, other than a place appointed for that purpose by the Cantonment Authority, by lodging or by causing any cattle, or any sheep, elephant, camel, horse or other animal, or any vehicle, to halt or be placed thereon,

shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to three rupees for every day after the first during which the offence continues.

Sarais.

[*Clause* (*17*).] (630.)

Maintenance and provision of Government sarais.

381. The Cantonment Authority shall, so far as the funds placed at its disposal for the purpose permit, make adequate provision for the maintenance of any sarais from time to time existing within the cantonment which belong to, or are under the management of, the Government;

and may, with the previous sanction of the Commander-in-Chief, construct and maintain as many additional sarais as to it may appear necessary for the accommodation of native travellers passing through or frequenting the cantonment.

[*Clause* (*17*).] (631, 632.)

Registration of private sarais.

382. (*1*) The Cantonment Magistrate shall keep a register, to be called the register of sarais, in which shall be entered by the Cantonment Magistrate, or by such person as he may appoint in this behalf, the name and residence of the keeper of every private sarai within the cantonment, and the situation of every such sarai.

(*2*) No charge shall be made for making any such entry.

(*3*) The Cantonment Magistrate shall by notice require the keeper of every private sarai to furnish, within one month from the service of the notice, all information requisite for the registration of the sarai under this section.

[*Clause* (*17*).] (634.)

Power to refuse registration.

383. The Cantonment Magistrate may refuse to register any sarai under section 382—

(*a*) if he has reason to believe that the sarai is, or is likely to become, offensive to persons residing in or frequenting the immediate neighbourhood, or

(*b*) until the Sanitary Officer has certified to the Cantonment Magistrate that the sanitary condition of the sarai, the water-supply thereof and the nature and extent of the accommodation which it is capable of affording to travellers or lodgers are such as to render it fit to be used as a sarai, or

(*c*) until the keeper of the sarai has produced a certificate of character in such form, and signed by such persons, as the Cantonment Authority may direct.

[*Clause* (*17*).] (636.)

Obligations of keeper of a private sarai.

384. It shall be the duty of the keeper of every private sarai—

(*a*) when any person in the sarai is to his knowledge ill of any infectious disorder, or has died of any such disorder, to give immediate notice of the fact to the officer in charge of the police-station within the limits of which the sarai is situated;

(*b*) thoroughly to cleanse the rooms and verandahs and the drains of the sarai, and the wells, tanks or other sources from which water is obtained for the persons or animals using the sarai, to the satisfaction of, and so often as may be required by, the Cantonment Magistrate, or such person as the Cantonment Magistrate may appoint in this behalf;

(*c*) to remove all noxious vegetation on or near the sarai, and all trees and branches of trees capable of affording to thieves means of entering or leaving the sarai;

(*d*) to keep the gates, walls, fences, roofs and drains of the sarai in repair;

(*e*) to provide such number of watchmen as may, in the opinion of the Cantonment Magistrate, be necessary for the safety and protection of persons, animals and vehicles lodging in, halting at or placed in the sarai; and

(*f*) to exhibit, at such place and in such form and languages as the Cantonment Magistrate may direct, a list of charges for the use of the sarai.

[*Clause* (*17*).] (637.)

Power to require reports as to persons using private sarai.

385. (*1*) The Cantonment Magistrate may at any time by notice require the keeper of any private sarai to report to him, or to any person whom he may appoint in this behalf, either orally or in writing, as may be directed in the notice,

([a]) Under this chapter sarai-keepers will be obliged to register themselves, maintain their sarais in a sanitary condition, and provide reasonable protection to travellers.

the persons who resorted to the sarai during the preceding day or night, or during any recent series of days or nights.

(2) If written reports are required for any space of time exceeding a single day or night, schedules shall be furnished by the Cantonment Magistrate to the keeper, and the keeper shall from time to time fill up the schedules with the information so required, and transmit them to the Magistrate, or to the person (if any) appointed under sub-section (1), in such manner and at such intervals as may be directed by the Magistrate.

[Clause (17).] (644.) 386. Power to close private sarai which is a nuisance. If it be shown to the satisfaction of the Cantonment Authority that the maintenance of any building as a private sarai is a nuisance to the neighbourhood, the Cantonment Authority may by notice require the keeper of the sarai to discontinue the use of the building as a sarai after thirty days from the service of the notice.

[Clause (17).] (638, 639.) 387. Power to cancel registration and to re-register. (1) If the keeper of any registered private sarai disobeys any notice or direction lawfully issued or given by the Cantonment Authority or the Cantonment Magistrate under this chapter, or omits to do anything which he is by this chapter bound to do, the Cantonment Magistrate may, in addition to any punishment which may lawfully be inflicted therefor, after notice, cancel the entry relating to the sarai in the register of sarais.

(2) The Cantonment Magistrate may at any time re-register a sarai the registration of which has been cancelled under this section.

[Clause (17).] (635, 639, 646.) Penalty for maintaining sarai without registration. 388. Whoever—

after one month from the service of a notice under section 382 with respect to any sarai, and before the sarai has been registered, or

after seven days from the service under section 387 of notice of cancelment of the registration of a sarai, and before the sarai has been re-registered under the power conferred by that section,

receives any lodger or allows any person, any cattle, or any sheep, elephant, camel, horse or other animal, or any vehicle, to halt or be placed in the sarai,

shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to three rupees for every day after the first during which the offence continues.

[Clause (17).] (645.) 389. Penalty for using an unauthorised building as a sarai. Whoever uses as a sarai any building within a cantonment, other than a sarai maintained by the Cantonment Authority, or for the time being registered under this chapter, by lodging or by causing any cattle or any sheep, elephant, camel, horse or other animal, or any vehicle, to halt or be placed therein, shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to three rupees for every day after the first during which the offence continues.

390. Power to declare shops, &c., in sarais to to be markets. The Cantonment Authority may by public notice declare that any shop or warehouse, or collection of shops or warehouses, or any place used for the sale of meat, fish, fruit, vegetables, live-stock or any other thing, [Clause (17).] (646.)

within the limits of any sarai, or within such limits outside the nearest boundary thereof within the cantonment as may be specified in the notice,

shall be deemed to be a public market or a private market, and subject as such to the provisions of Chapter XVI relating to public or private markets, as the case may be.

Powers of Entry and Inspection.

391. Power to enter and inspect private sarais and places used as such. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may,— [Clause (28).] (855.)

(a) at any time between sunrise and sunset, enter into and inspect—

(i) any private sarai, or any part thereof, in order to ascertain whether the keeper has omitted to do any thing which he is by this chapter bound to do, or

(ii) any building which is being used as a private sarai without being registered, or after the registration thereof has been cancelled, or after the closing of the sarai has been required under the provisions of this chapter; and

(b) at all reasonable times enter into any private sarai and search for any person, or the body of any person, whom the Cantonment Magistrate has reason to believe to be ill of, or to have died from, any infectious disorder, or for any traveller or other person resorting to such sarai.

CHAPTER XXIV. [a]

FAIRS.

392. Meaning of "fair." In this chapter "fair" includes a show of cattle, horses, mules or other animals, or of agricultural produce, instituted to improve the breed of such animals or to improve such produce, and also any public assembly held for religious or other purposes in or upon a place appointed by the Cantonment Authority under section 394 for use as a fair-ground. [Clause (17).] (62, 63.)

393. Certain sections not to apply where a fair is managed by the Local Government. The Local Government may undertake the management of any fair held in a cantonment, and section 394, sub-section (2), and sections 395 to 401 (both inclusive) shall not apply to any fair so managed or to any fair-ground used for the purpose. [Clause (17).]

(a) The object of this chapter is to enable the Cantonment Authority to control large gatherings of people for religious and other purposes, with reference especially to the preservation of order, sanitation, food and water-supply, outbreaks of sickness and epidemics, and the ceremonial slaughter of animals. Fairs managed by the Local Government, *e.g.*, the Kumbh fair at Allahabad, are exempted from the operation of the chapter.

[*Clause* (*17*).] (705.)

Appointment and maintenance of fair-grounds.

394. (*1*) The Cantonment Authority may, with the previous sanction of the Commander-in-Chief, by public noticé, appoint such places for the purpose of being used as fair-grounds, upon such terms and conditions, at such times, by such persons, and for such purposes as to it may seem proper, and prescribe and alter the limits of any such place.

(*2*) The Cantonment Authority may build and maintain upon such places as aforesaid such temporary structures, and make, alter and maintain such drains, roads, passages and approaches in or for such places, as may in its opinion be necessary.

[*Clause* (*17*). (706, 707.)

Management of fair by Cantonment Magistrate in consultation with Sanitary Officer.

395. (*1*) Whenever any fair-ground is used for the purposes of a fair, the Cantonment Magistrate shall be the officer in charge of the fair, and may appoint such of the servants of the Cantonment Authority to assist him as he may think necessary upon such terms as the Cantonment Authority may prescribe.

(*2*) The Cantonment Magistrate shall consult with the Sanitary Officer as to the proper measures to be taken in respect of all matters relating to the sanitary arrangements of a fair and the health and well-being of the persons attending thereat.

[*Clause* (*17*).] (708.)

Power to make rules for fairs and fair-grounds.

XIII of 1889.

396. (*1*) The Cantonment Authority may make rules, consistent with the Cantonments Act, 1889, and this Code, to provide for all or any of the following matters, namely:

(*a*) fixing the days on which a fair may be held and a fair-ground kept open for use;

(*b*) the maintenance of order at a fair;

(*c*) preventing nuisances or obstruction in a fair-ground or in the approaches thereto;

(*d*) keeping a fair-ground in a cleanly and proper condition, removing offensive matter and rubbish therefrom, and maintaining public latrines and urinals for the use of persons frequenting a fair-ground;

(*e*) the proper supervision of the sanitary arrangements at a fair, or the appointment of officers and servants for that purpose, and the supply of proper food and water with due regard to the habits and customs of the persons attending at a fair;

(*f*) the discovery of the sick at a fair, the discovery of the causes of sickness and death, and the prevention of the importation and spread of infectious or contagious disorders;

(*g*) the regulation and distribution of encampments, booths, shops, stalls, pens or standings during a fair, and of places for the supply of food or drink;

(*h*) the sacrifice or slaughter of animals for purposes other than food;

(*i*) the disposal of the bodies of persons dying, and of the carcasses of animals slaughtered or dying, on a fair-ground or during a fair; and

(*j*) generally the control of fairs and the management of fair-grounds.

(*2*) Where there is a Cantonment Committee, rules under this section may be made only at a special meeting.

(*3*) No rule made under this section shall come into force until it has been confirmed by the Commander-in-Chief and the Local Government.

Notification of rules in fair-ground.

397. (*1*) A copy of all rules made under section 396 shall be affixed in English and the vernacular to some conspicuous spot in each fair-ground to which the rules relate. [*Clause* (*17*).] (710.)

(*2*) Until a copy of the said rules has been so affixed, no person shall be dealt with for disobeying any such rule.

Penalty for disobeying rule.

398. Whoever disobeys any rule made under section 396 shall, subject to the provision of section 397, sub-section (*2*), be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to three rupees for every day after the first during which the offence continues. [*Clause* (*17*).] (709.)

Power to expel defaulter from fair-ground.

399. The Cantonment Magistrate may expel from any fair-ground any person who has been punished for disobeying any rule made under section 396 for the time being in force in such fair-ground or during a fair held thereon, and [*Bombay Act III of 18*.., *s.* 40, *and Clause* (*17*).] (712.)

may prevent such person, by himself or his servants, from entering into such fair-ground, or from further carrying on any trade or business therein, or from occupying any encampment, booth, shop, stall, pen, standing or other place therein, or from attending any such fair, and

may determine any lease or tenure which such person may have in any such encampment, booth, shop, stall, pen, standing or place.

Penalty for encroaching on approaches, roads, passages or spaces to or in fair-ground.

400. Whoever causes any encroachment in or on any of the approaches, roads, passages or spaces to or in any fair-ground shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to three rupees for every day after the first during which the offence continues. [*Clause* (*17*).] (713.)

Power to close fair or fair-ground.

401. The Cantonment Authority, with the previous sanction of the Commander-in-Chief, may at any time, by public notice, close any fair, or close, permanently or for such period as may to it seem proper, any fair-ground or any portion thereof. [*Clause* (*17*).] (714.)

Penalty for holding fair without permission.

402. Whoever without the permission of the Cantonment Authority, or after that Authority has closed a fair or fair-ground, [*Clause* (*17*).] (715.)

opens, keeps open, holds or attends a fair on a fair-ground, or in a place which was a fair-ground, or in any other place in a cantonment, or

places or erects any encampment, booth, shop, stall, pen, standing or other thing for the purpose of a fair on a fair-ground or on any other place as aforesaid,

shall be punishable with fine which may extend to fifty rupees, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

Powers of Entry and Inspection.

[*Clause* (28).] (856.) Powers of entry and inspection.

403. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, at all reasonable times,—

(*a*) enter into any encampment, tent, booth, shop, stall, pen, standing or other place in or on any fair-ground—

(*i*) for the purpose of ascertaining whether the rules (if any) made under this chapter and applicable to such fair-ground are being obeyed, or

(*ii*) for the purpose of expelling from such fair-ground, or of preventing from carrying on any trade or business, or occupying any encampment, booth, shop, stall, pen, standing or other place therein, any person whom the Cantonment Magistrate is empowered by this chapter to so expel or prevent; and

(*b*) enter into and inspect any place which is being used for the purposes of a fair in contravention of section 402.

CHAPTER XXV. ([a])

EXTINCTION AND PREVENTION OF FIRES.

Cantonment Fire-brigade.

[*Clause* (25).] (799.) Power to establish a cantonment fire-brigade.

404. (*1*) In addition to the regimental fire-parties, there may be established in any cantonment a fire-brigade, to be called the "cantonment fire-brigade:"

(*2*) Provided that no such fire-brigade shall be established unless provision can be made for the appointment of a superintendent thereof.

[*Clause* (25).] (797.) Constitution of cantonment fire-brigade.

405. (*1*) For the purpose of forming a cantonment fire-brigade, the Cantonment Authority may, so far as the funds placed at its disposal for the purpose permit, appoint as many of its servants to act as firemen and fire-coolies as it may think necessary for the efficient extinction of fires and the protection of life and property in case of fire, and appoint any person to be superintendent of the fire-brigade:

(800.) (*2*) Provided that no person shall be appointed to be superintendent of a cantonment fire-brigade unless he is in possession of a certificate from the officer in immediate executive engineering charge of the cantonment stating that he is competent to be in charge of fire-engines, fire-escapes, and the tools, implements, appurtenances and machinery necessary for the efficient extinction of fires and the protection of life and property in case of fire.

(*3*) No police-officer shall without the previous sanction of the Local Government be appointed to be superintendent or a member of a cantonment fire-brigade. (801.)

(*4*) Every fireman and fire-coolie shall perform his duties as such in addition to his duties as a servant of the Cantonment Authority. (798.)

Provision of fire-stations. [*Clause* (25).] (802.)

406. The Cantonment Authority may appoint places for the purpose of being used as fire-stations and

may, with the previous sanction of the Commander-in-Chief, so far as the funds placed at its disposal for the purpose permit, build and maintain upon any such place such buildings, and make, alter and maintain such pens, standings, enclosures, walls, fences, drains, roads, passages and approaches therein and therefor, as may in its opinion be necessary for the discharge of duties connected with the extinction of fires, and (*See* 28 *&* 29 *Vict.*, *c.* 90, *s.* 5.)

may permit the use thereof upon such conditions, for such purposes and by such persons as to it may seem proper.

Provision of fire-engines and appurtenances. [*Clause* (25).] (803.) (*See Bombay Act III of 1888, s.* 359.)

407. When a cantonment fire-brigade has been established, the Cantonment Authority shall, so far as the funds placed at its disposal for the purpose permit, furnish the fire-brigade with all such fire-engines, fire-escapes, accoutrements, tools, implements and means of inter-communication as may be necessary and practicable for the efficient discharge of its duties.

Power to make rules for regulating cantonment fire-brigade. [*Clause* (25).] (804, 805.) (*See Bombay Act III of 1888, s.* 360.) XIII of 1889

408. (*1*) The Cantonment Authority may make rules, consistent with the Cantonments Act, 1889, and this Code, to provide for all or any of the following matters, namely:

(*a*) the training, discipline and good conduct of the members of the cantonment fire-brigade (if any);

(*b*) securing their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire;

(*c*) ensuring their acquaintance with the distribution of the water-supply of the cantonment;

(*d*) ensuring their maintenance generally in a due state of efficiency; and

(*e*) sending the cantonment fire-brigade (if any) or its fire-engines and the appurtenances thereof beyond the limits of the cantonment in order to extinguish fire and protect life and property in case of fire in the neighbourhood. (*See Bengal Act IV of 1883, s.* 20.)

(*2*) In making any rule under this section the Cantonment Authority may direct that a breach of it shall be punishable with fine which may extend to ten rupees. [*Act XVIII of 1889, s.* 84 (2) *and Clause* (25).] (*See* 28 *&* 29 *Vict., c.* 90, *s.* 8.)

([a]) The object of this chapter is to define the powers and duties of the Cantonment Authority, its servants, and all concerned in the extinction of a fire; also to prevent acts likely to cause a fire.

As it may be useful in some parts of India, power is given to form the cantonment servants into a fire-brigade, to act as auxiliary to the regular fire-parties from the troops. These provisions are only intended for cantonments having special needs.

Proceedings at Fires.

[*Clause* (25).] (806, 807.) (*See Bengal Act IV of 1883, s. 21.*)

409. (*1*) The senior officer present at a fire shall control the operations and take command of all regimental fire-parties present, of the cantonment fire-brigade (if any), and of any persons voluntarily placing their services at his disposal.

Control of operations at a fire.

(*2*) The Cantonment Magistrate, or, in his absence, the superintendent of the cantonment fire-brigade (if any), or any servant of the Cantonment Authority appointed or authorised by the Cantonment Magistrate in this behalf, shall take subordinate command of all cantonment servants present at a fire, and of any other persons voluntarily placing their services at his disposal.

(*3*) Any person authorised by sub-section (*1*) to control the operations at a fire, and being on the spot, may verbally nominate or depute any other person to act at a distance.

[*Bombay Act III of 1888, ss. 361 and 362, and Clause* (25).] (549, 806, 807, 809, 854.)

410. Any person authorised by section 409, sub-section (*1*), to control the operations at a fire, and any person nominated or deputed by him to act at a distance, may—

Powers of officer controlling operations at a fire.

(*a*) remove, or order any fireman or other person under his command to remove, any persons who, by their presence, interfere with, or impede the operations for, the extinction of the fire or the protection of life and property endangered thereby, and

(*b*) take generally any measures that may appear expedient for the protection of life and property, with power, by himself or by any persons under his command,—

(*i*) to break into or through, or take possession of, or use for the passage of hoses or other appliances, any buildings or land, or to pull down any buildings, for the purpose of extinguishing the fire, doing as little damage as may be,

(*ii*) to close or clear any street, building or land in or near which a fire is burning, and

(*iii*) nothwithstanding any notice or order of the Cantonment Authority closing any source of water-supply, or prohibiting the use of water therein or therefrom, to utilise, to such extent as may be necessary for extinguishing the fire, the water of any available well, tank or other source of water-supply in or upon any public or private building or land.

[*Bombay Act III of 1888, s. 362, and Clause* (25).] (809.)

411. It shall be the duty of all servants of the Cantonment Authority, all police-officers, and, under the orders of the Commanding Officer of the cantonment, all persons under his control, to aid the regimental fire-parties and the cantonment fire-brigade (if any) in the execution of their duties at a fire.

Duty of cantonment servants, the police and others to aid at fires.

[*Bombay Act III of 1888, s. 363, and Clause* (25).] (810.)

412. Any damage occasioned by a regimental fire-party or a cantonment fire-brigade in the due execution of its duties, or by any person aiding the fire-party or brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Damage done in the extinction of fire, &c., declared to be damage by fire.

[*Bengal Act IV of 1883, s. 21, and Clause* (25).] (811.)

413. No member of a regimental fire-party or a cantonment fire-brigade, and no person aiding a regimental fire-party or a cantonment fire-brigade in accordance with section 411, shall be held liable to damages on account of any act done by him in the *bonâ fide* belief that the act was required in the proper execution of his duties.

Saving of liability for acts done by regimental fire-party, cantonment fire-brigade, &c.

[*Bombay Act III of 1888, s. 364.*] (812.)

414. In any cantonment in which there is a cantonment fire-brigade, a report of every fire occurring in the cantonment shall be submitted by the superintendent of the fire-brigade, not later than the day following the fire, to the Cantonment Magistrate.

Fire-reports.

[*Clause* (25).] (804.) XIII of 1889.

415. (*1*) The Cantonment Authority may make rules, consistent with the Cantonments Act, 1889, and this Code, to provide for all or any of the following matters, namely:

Power to make rules as to fires.

(*a*) the guidance, training, discipline and conduct of persons voluntarily assisting in extinguishing fires and protecting life and property in case of fire;

(*b*) the removal of persons interfering with or impeding the operations at a fire; (*See Bombay Act III of 1888, s. 361.*)

(*c*) the measures necessary for the protection of life and property on the occasion of a fire;

(*d*) the breaking into or through, or taking possession of, any buildings or land, or the pulling down of any buildings, on the occasion of a fire;

(*e*) the grant of gratuities to persons giving notice of, or assisting at, a fire, and to such members of any regimental fire-party or of the cantonment fire-brigade (if any) as may, in the opinion of the Cantonment Authority, be deserving of reward for extraordinary services rendered at a fire or in the quick supply of water therefor; and (*See Bengal Act IV of 1883, s. 20.*)

(*f*) the grant of compensation to servants of the Cantonment Authority and other persons for injuries or damages sustained in the extinction of a fire and in the protection of life and property on the occasion of a fire.

(*2*) Where there is a Cantonment Committee, rules under this section may be made only at a special meeting.

(*3*) No rule made under this section shall come into force until it has been confirmed by the Commander-in-Chief and the Local Government.

[*Clause* (25).] (808.)

416. (*1*) The Cantonment Magistrate shall once at least in every six months affix on conspicuous places in the cantonment

Instructions for guidance of the public in case of fire.

a notice containing instructions for the guidance of the public in case of fire.

(2) Such instructions shall embody, in as plain words as may be, and in as many languages as the Cantonment Magistrate may think necessary, the several points mentioned in Schedule II.

Prevention of Fires.

[Madras Act of 1884, s. .o.] (813. V of 1884. II of 1886.

Power to control private stores of inflammable materials or explosive substances.

417. The Cantonment Authority may, subject to the provisions of any rules for the time being in force under the Indian Explosives Act, 1884, or the Petroleum Act, 1886, by notice,

require any person who uses any place for the storage for private use, and not for sale, of wood, firewood, thatching materials, hay, grass, straw, coal or any other highly inflammable material, or of kerosine, petroleum, naphtha or any other inflammable oil or spirit, or of fire-works or any other explosive substance,

to comply with any directions specified in the notice for ensuring safety from fire.

[Clause (25).] 777(j), 780.(4)

Penalty for collecting inflammable materials in prohibited place.

418. Whoever stacks or collects dry grass, straw or any other highly inflammable material, or constructs a matted structure or a cooking-place, within one hundred yards of any public building or of any building having a thatched roof, or in any other place in which the collection or placing of highly inflammable materials may be prohibited by public notice issued by the Cantonment Authority, shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[Bengal Act IV of 1883, ss. and 26, and Clause (25).] (814, 815.)

Penalty for letting off fire-works, sending up fire-balloon or lighting bonfire without permission.

419. (1) Whoever without the general or special permission of the Cantonment Authority lets off fire works or rockets, or sends up a fire-balloon, or lights a bonfire, shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

(2) Whenever a breach of this section has been committed in any private building or land, it shall be presumed, until the contrary is proved, that it was committed by the owner, grantee or occupier of the building or land.

[Act XLVIII of 1860, s. 19 (15), and Clause (25).] (816.)

Penalty for illuminating building without permission.

420. Whoever, in any street or public place, without the permission of the Cantonment Magistrate, puts up any post or other thing whereon to affix lamps for the purpose of illumination, or affixes to or lights anything on any building for the said purpose, shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

Powers of Entry and Inspection.

[Clause (28).] (871.)

Power of entry into building or land used for storing inflammable material or explosive substance.

421. Whenever the Cantonment Magistrate has reason to believe that any person is not complying with the directions contained in a notice served upon him under section 417, he may, by himself or by any person authorised by him in this behalf, at all reasonable times enter into or on and inspect any building or land in respect of which the said notice has been served.

Power of entry where fire-works are let off, &c., without permission.

422. If any fire-works or rockets are let off, or any fire-balloon is sent up, or bon fire lighted from or in any building or land without the permission of the Cantonment Authority, the Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may at all reasonable times enter into or on and inspect such building or land. [Clause (28).] 872

CHAPTER XXVI. ([a])

STREETS AND PUBLIC PLACES.

Cantonment Authority's obligation to water streets.

423. The Cantonment Authority shall, so far as the funds placed at its disposal for the purpose permit, cause the streets to be watered, and for that purpose may provide such establishment, animals, carts, works and engines as it may think necessary. [Madras Act I of 1884, s. 328.] (546.)

Closing and opening of streets.

424. (1) The Cantonment Authority may close temporarily any street or part of a street for the purpose of repairs, or for the purpose of constructing or repairing any drain, culvert or bridge, or for any other public purpose. [Act XVIII of 1889, s. 46, and Clause (31).] (433.)

(2) No street in a cantonment shall be permanently closed, and no new street shall be opened in a cantonment without the previous sanction of the Commander-in-Chief.

Breaking up of street and protection of broken places.

425. (1) Whenever the pavement or surface of any street, or any drain in a street, is opened or broken up by the Cantonment Authority for the purposes of any work, that Authority shall with all convenient speed complete the work and fill in the ground, and make good the pavement, surface or drain so opened or broken up, and carry away the rubbish occasioned by the work; and [Bengal Act II of 1888, s. 226.] (429.)

shall in the meantime cause the place where the pavement or surface is opened or broken up to be fenced and to be sufficiently lighted during the night.

(2) Whoever without the permission of the Cantonment Magistrate takes down, alters or removes any bar, chain or post, or extinguishes any light, placed by the Cantonment Authority to protect any place in a street which has been opened or broken up shall be punishable with fine which may extend to fifty rupees. [Madras Act I of 1884, s. 293.] (430.)

Power to permit temporary occupation of street or public place.

426. The Cantonment Authority may grant permission in writing for the temporary occupation of any street or public place for the purpose of depositing building materials, or making any [Act XVIII of 1889, s. 47.] (434.)

(a) This chapter deals with the maintenance of the public streets at all times in a fit state for traffic, and provides rules for the efficient control of traffic.

The provisions are those generally to be found in Municipal Acts.

temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Explanation.—" Temporary erection " includes a booth or other structure put up on the occasion of a ceremony or festival.

[*Act XVIII of 1889, s. 106.*] (436.)

Penalty for altering, obstructing or encroaching upon street or public place.

427. Whoever without the permission of the Cantonment Authority—

(*a*) alters, obstructs or encroaches upon any street, or

(*b*) displaces, takes up or alters the pavement or other materials, or the fences or posts of any street or public place, or

(*c*) deposits building materials or goods or any other thing on any street or public place, or

(*d*) makes any hole or excavation in any street or public place,

shall be punishable with fine which may extend to fifty rupees.

[*Clause* (17).] (721—723.)

Regulation of processions and public assemblies.

428. (*1*) The Cantonment Magistrate may, as occasion may require, permit or prohibit any procession or public assembly in the cantonment,

and may permit or prohibit the use of music by any procession or public assembly.

(*2*) The Cantonment Magistrate may, in the absence of the officer locally superintending the police and having statutory authority in this behalf,—

(*a*) direct the conduct of processions and public assemblies in any street or public place, and prescribe the routes and the times by and at which processions may pass ;

(*b*) regulate the use of music in any street or public place on the occasion of any festival or ceremony ; and

(*c*) take such steps as to him may seem proper for keeping order and preventing obstruction in or near any street or public place on occasions of processions or public assemblies, or whenever a crowd is anticipated, or during times of public worship, or whenever for any reason obstruction is anticipated.

(*3*) Whoever—

opposes or disobeys any order issued, or fails to comply with the conditions subject to which any permission is given, by the Cantonment Magistrate under this section, or

conducts or joins in any procession or public assembly, or uses, plays or joins in any music, in contravention of any prohibition or direction made or given under this section,

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for term which may extend to eight days.

Penalty for injuring or disturbing direction-post, lamp or lamp-post, and damages in case of accidental injury to lamp.

429. (*1*) Whoever wilfully breaks, throws down or damages, or without being authorised by the Cantonment Magistrate defaces or disturb, any direction-post, lamp, or lamp-post, or any pole, standard, stay, strut or other contrivance for carrying, suspending or supporting any direction-post or lamp or the appurtenances of any lamp, [*Bombay III of ss. 331, 471, and XVIII 1889, s.*] (437.)

or without being authorised as aforesaid extinguishes any light

maintained by the Cantonment Authority in any street or public place,

shall be punishable with fine which may extend to twenty rupees.

(*2*) If any person through mere negligence or by accident breaks any lamp set up in a street or public place, the Cantonment Magistrate may, by order in writing, direct him to pay the whole or such portion of the damage caused by the injury as may to him seem fit, and, in default of payment of the amount of such damage on demand, the same may be levied by the Cantonment Magistrate in the same manner as a fine. [*Bombay III of ss. 332, 505.*]

Power to prohibit street sales.

430. The Cantonment Authority may by public notice prohibit the sale or exposure for sale of any animal or article in or upon any street specified in the notice, and may in like manner cancel, suspend or modify such prohibition. [*Madras I of 1884, 366.*] (674.)

Cart-stands and public halting-places.

431. The Cantonment Authority may provide places for the purpose of being used as cart-stands or public halting-places, and may levy fees for the use thereof. [*Madras IV of 1884, 190.*]

Penalty for rash driving or riding.

432. Whoever in any street or public place drives or rides any animal, or drives, drags or pushes any vehicle, in a rash or negligent manner shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days. [*Madras III of 1888, s. 3* (1).] (730.)

Penalty for disregarding the rule of the road.

433. Whoever in any street or public place, without reasonable excuse, and so as to cause danger or obstruction to any person, drives, drags or pushes any vehicle otherwise than on the near or left side of the road shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days. [*Madras III of 1888, s. 3* (3).] (731.)

Penalty for driving or riding contrary to public notice.

434. Whoever drives or rides any animal, or any animal of a specified description, or drives any vehicle, on a road, at a time or in a manner prohibited by public notice issued by the Cantonment Authority, shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days. [*Clause* (17).] (725.)

Penalty for causing mischief or obstruction in driving animal.

435. Whoever in any street or public place, by negligence or ill-usage in driving any animal, causes any mischief or obstruction [*Madras III of 1888, s. 3* (5).] (724.)

by such animal shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[*Clause* (17).] (726.) Penalty for not removing elephant or camel on approach of horse or bullock-cart.

436. Whoever, being an elephant-driver or camel-driver, omits, on being requested so to do, to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, or of a vehicle drawn by bullocks, shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

[*Madras Act III of 1888, s.* 71 (*iv*).] (738.) Penalty for driving without a sufficient light.

437. Whoever in any street or public place drives, drags or pushes any vehicle at any time between half an hour after sunset and one hour before sunrise without a sufficient light, unless there is sufficient moonlight to render a light unnecessary, shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

[*Clause* (17).] (737.) Penalty for driving vehicle without proper means of control.

438. Whoever drives any vehicle on a road without having proper means of controlling the animal yoked, harnessed or otherwise fastened thereto shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

[*Madras Act III of 1888, s. 71* (*viii*).]. (736.) Penalty for permitting child to control animal or vehicle.

439. Whoever in any street or public place permits

any animal or vehicle to be under the control of a child under the age of twelve years, or

any animal or vehicle of a description specified in a public notice issued in this behalf by the Cantonment Authority to be under the control of a person under such age as may be prescribed in the said notice,

shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

[*Madras Act III of 1889, s.* 3 (4).] (732.) Penalty for leaving vehicle or animal unattended.

440. Whoever in any street or public place, being in charge of any vehicle or animal, leaves it without reasonable excuse at such a distance as not to have it under due control shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

[*Madras Act III of 1889, s.* 3 (5).] (733.) Penalty for obstructing thoroughfare.

441. Whoever in any street or public place causes any vehicle, with or without animals harnessed thereto, to remain or stand longer than may be necessary for loading or unloading, or for taking up or setting down passengers, except at some place appointed by the Cantonment Authority by public notice for such purposes,

or leaves or fastens any vehicle or animal so as to cause obstruction,

or in any other way wilfully obstructs or causes obstruction to the free passage of any thoroughfare,

shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

[*Madras III of 18*[illegible] *s. 71 (vii)*] (734.) Penalty for obstructing footway.

442. Whoever leads or rides any animal, or drives, drags or pushes any vehicle, upon any footway in a street or public place, or fastens any animal so that it can stand across or upon any such footway, shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

[*Madras III of 1*[illegible] *s. 71* (*x*).] (729.) Penalty for making or repairing vehicle, or cleaning or exposing for show, hire or sale an animal or vehicle, or training or exercising an animal, at unauthorized place or time.

443. Whoever in any street or public place, except at such places (if any) and at such times (if any) as may be prescribed by the Cantonment Authority by public notice,—

(*a*) makes or repairs any part of a vehicle, except in cases of accident where repair on the spot is necessary, or

(*b*) cleans or exposes for show, hire or sale any animal or vehicle, or

(*c*) trains or breaks or leads for exercise any animal,

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[*Madras III of 1*[illegible] *s. 71 (xii*[illegible]] (735.) Penalty for carrying article projecting beyond vehicle.

444. Whoever in any street or public place without the permission of the Cantonment Magistrate conveys any article which projects more than five feet in front or behind the vehicle or vehicles on which it is placed shall be punishable with fine which may extend to ten rupees, or with imprisonment for a term which may extend to four days.

[*Clause* ([illegible] (739.) Power to prescribe proper tires for vehicles taken along a road.

445. (*1*) The Cantonment Authority may, if it thinks fit, with the concurrence of the District Magistrate, by public notice direct that vehicles of any description specified in the notice shall not be taken along any road unless their wheels are provided with tires of such description as may be specified in the notice.

(*2*) If any vehicle is driven, dragged or pushed along a road in contravention of any notice issued under this section, the owner shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to three rupees for every day after the first during which the offence continues.

CHAPTER XXVII. (a)

FURTHER PROVISIONS RELATING TO BUILDINGS AND LANDS.

Construction of buildings.

[*Act XVIII of 1889, s. 52, and Clause (15).*] (387.)

Conditions of permission to erect or re-erect building.

446. (*1*) Every person intending to erect or re-erect any building (except a person applying under Chapter VIII for permission to occupy land) shall apply in writing to the Cantonment Authority, and submit with his application a plan and specifications of the works intended to be constructed and the materials to be used, and shall obey all written orders which may be given by the Cantonment Authority either—

(*a*) prohibiting the erection or re-erection if deemed, for any sufficient reason, objectionable, or

(*b*) in respect of all or any of the matters following, namely:

(*i*) free passage or way in front of the building,

(*ii*) space to be left about the building to secure free circulation of air and facilitate scavenging,

(*iii*) ventilation and drainage,

(*iv*) level and width of foundation, level of lowest floor and stability of structure,

(*v*) if the building abuts on a street, the line of frontage with neighbouring buildings.

(*2*) The Cantonment Authority shall make full compensation to any owner of land not belonging to the Government for any damage he may sustain in consequence of the prohibition of the re-erection of any building, but no compensation shall be made to any grantee of land belonging to the Government in consequence of any such prohibition.

(40.) *Explanation.*—The expression "erect any building" includes—

(*i*) the erection of a wall,

(*ii*) all additions and alterations which involve new foundations or increased superstructure on existing foundations,

(*iii*) the conversion into a dwelling-house of any building not originally constructed for human habitation, and

(*iv*) the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

[*Act XVIII of 1889, s. 52.*] (388.)

Power to require alteration or demolition of unauthorized building and removal of materials.

447. If any building is erected or re-erected, wholly or in part, in contravention of the provisions of section 446 or of any orders given by the Cantonment Authority thereunder, the Cantonment Authority may by notice require the building to be altered or demolished as it may deem necessary, and all materials collected for the building or resulting from the alteration or demolition to be removed.

Power to prohibit use of inflammable materials for roofs and external walls.

448. The Cantonment Authority may, by order in writing, direct that, within certain limits to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or any other highly inflammable material, unless with the written permission of the Cantonment Authority; and [*Act XVIII of 1889, s. 50.*] (386.)

the Cantonment Authority may by notice require any person who has disobeyed any such direction to remove or alter, as it may think fit, the roofs or walls so made or renewed.

Unauthorised building over main, watercourse, pipe, drain or culvert.

449. The Cantonment Authority may by notice require any person who without its permission in writing newly erects or re-builds any building over a main or over a public watercourse, water-pipe, drain or culvert to pull down or otherwise deal with the building as it thinks fit. [*Bombay Act III of 1888, s. 268, and Act XVIII of 1889, s. 71.*] (473, 516.)

Power to regulate line of buildings.

450. (*1*) If any building or part of a building projects beyond the front of the building on either side thereof, or beyond the regular line of a street either existing or determined on for the future, the Cantonment Authority may, [*Act XVIII of 1889, s. 51.*] (435.)

whenever the building or part has been either entirely or in greater part taken down or burnt down or has fallen down,

by notice require the building or part when being re-built to be set back to or towards the front of the adjoining buildings or the said regular line:

Provided that the Cantonment Authority shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(*2*) The Cantonment Authority may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street.

Ground-floor doors, &c., not to open outwards.

451. (*1*) All doors, gates, bars and ground-floor windows which open on any street shall be made so as not to open outwards. [*Madras Act I of 1884, ss. 283 and 284.*] (431.)

(*2*) If any such door, gate, bar or window opens outwards on any street, the Cantonment Authority may by notice require the grantee, owner or occupier of the premises to which the same is attached, within eight days after service of the notice, to alter the same so that it shall not open outwards.

Projections and Obstructions from Buildings.

Placing of projection or obstruction.

452. It shall not be lawful, unless with the written permission of the Cantonment Authority, for the owner or occupier of any building in a street to add to or place against or in front of the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain therein [*Act XVIII of 1889, s. 53 (1).*] (380.)

(a) This chapter deals with a large number of important matters relating to immoveable property.

It provides for control by the Cantonment Authority over the construction of buildings in all their details; for the removal or cleansing of insanitary buildings and places; for powers over overcrowded, dilapidated, ruinous, and untenanted buildings; for the preservation of lands, the prevention of unwholesome excavations, and control over undue irrigation and unsuitable crops; and lastly for control over trees, and the construction and maintenance of fences.

The rules are almost entirely a selection from the principal Municipal Acts.

[Act XVIII of 1889, s. 53 (2).] (381.)

Removal or alteration of projection, encroachment or obstruction.

453. The Cantonment Authority may by notice require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against the building or in front thereof if the same overhangs or projects into or encroaches on any street, or projects into or encroaches on any drain in the street:

Provided that, in the case of a projection, encroachment or obstruction which has been lawfully made, the Cantonment Authority shall make reasonable compensation to any person who suffers damage by the removal or alteration.

[Act XVIII of 1889, s. 53 (3).] (382, 383.)

Erection of open verandahs, balconies or projecting rooms.

454. The Cantonment Authority may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from an upper storey thereof to an extent beyond the line of the plinth or basement wall, and at a height from the level of the ground or street, to be specified in the written permission.

Troughs, Pipes and Brackets.

[Act XVIII of 1889, s. 68.] (384.)

Power to put up troughs and pipes for rain-water.

455. The Cantonment Authority may by notice require the owner of any building in any street to put up, alter or keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof, and for discharging the same so as not to cause injury to the street or inconvenience to persons passing along the street, or to the owners or occupiers of adjoining premises.

[Act XVIII of 1889, s. 48.] (385.)

Power to attach brackets for lamps.

456. The Cantonment Authority may attach to the outside of any buildings brackets for lamps in such a manner as not to occasion inconvenience.

Numbering of Estates.

[Act XVIII of 1889, ss. 49 and 111.] (362, 363.)

Affixing of numbers on estates.

457. (*1*) The Cantonment Authority may cause the distinguishing number of any estate to be affixed on any building or thing belonging to the estate in such place as it may think fit, and may in like manner from time to time cause the number to be altered.

(*2*) Whoever destroys, pulls down or defaces any distinguishing number put up under this section by order of the Cantonment Authority, or puts up any different number, shall be punishable with fine which may extend to twenty rupees.

Insanitary Buildings and Lands.

[Bengal Act II of 1888, s. 257.] (365.)

Report by medical officers on insanitary block of buildings.

458. (*1*) Whenever it appears to the Cantonment Authority that any block of buildings is, by reason of the manner in which the buildings are crowded together, or for any other reason, in an unhealthy condition,

the Cantonment Authority may cause the block to be inspected by a committee of medical officers consisting of the Sanitary Officer and the Civil Surgeon of the district, or, where the services of the Civil Surgeon are not available, the Sanitary Officer and any two other medical officers.

(*2*) The medical officers shall make a report in writing on the sanitary condition of the block; and if the report states that the condition of the block is likely to cause risk of disease to the inhabitants of the block or of the neighbourhood, or to endanger the public health, the Cantonment Magistrate shall cause to be prepared a plan showing the existing arrangement of the block and what changes are proposed by the medical officers.

(*3*) The report of the medical officers shall clearly indicate the buildings which should wholly or in part be removed, the roads and drains which should be constructed, the tanks and low lands which should be filled up, and any other works which are necessary to abate the unhealthy condition of the block.

Explanation.—In this section and section 459 the word "buildings" means huts, servants' houses, stables, cow-houses and structures of a like nature.

[Bengal Act II of 1888, s. 268.] (366.)

Procedure for carrying out proposed improvements in insanitary block.

459. (*1*) If, upon receipt of the report of the medical officers, the Cantonment Authority is of opinion that the block is an unhealthy area,

and that all or any of the buildings should be removed for the purpose of making the proposed improvements,

the Cantonment Authority shall forward the report and the plan prepared under section 458, together with such estimates as are necessary for a due understanding of the same, for the orders of the Commander-in-Chief.

(*2*) If the Commander-in-Chief sanctions the proposed improvements or any part thereof, the Cantonment Authority shall,—

(*a*) if the land is held by grantees, remove such buildings as the Commander-in-Chief may direct, paying reasonable compensation therefor; and

(*b*) if the land is private property, take the necessary steps for acquiring such land and buildings as the Commander-in-Chief may direct,

and shall then proceed to carry out such other of the proposed improvements as the Commander-in-Chief may direct:

Provided that the grantees or owners, or any of them, shall in every case have the option of carrying out the improvements themselves, receiving such compensation as may be determined by the Cantonment Authority.

[Bombay Act III of 1888, s. 380.] (364.)

Insanitary huts and sheds.

460. (*1*) If the Cantonment Authority is of opinion that any hut or shed used either as a dwelling or as a stable or for any other purpose

is likely, by reason of its being built without proper means of drainage, or on account of the impracticability of scavenging, or on account of the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood,

or is for any reason likely to endanger the public health,

it may, by notice, which shall be affixed to some conspicuous part of the hut or shed, require the owner or occupier of the hut or shed, or the grantee or owner of the land on which it stands, to remove or alter the hut or shed,

or to take such order for the improvement thereof as the Cantonment Authority may deem necessary.

(*2*) The Cantonment Authority shall make reasonable compensation to any person who suffers damage by the removal under this section of any hut or shed other than a hut or shed which was erected without authority on land belonging to the Government.

[*Act XVIII of 1889, s. 79.*] (376.)

Power to prohibit use of building unfit for human habitation.

461. If any building appears to the Cantonment Authority to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation, or for other sufficient reason, the Cantonment Authority may by notice prohibit the owner or occupier of the building from using it for human habitation, or suffering it to be so used, until the Cantonment Authority is satisfied that it has been rendered fit for such use.

[*Act XVIII of 1889, s. 78.*] (377, 643.)

Power to require filthy premises to be cleansed.

462. (*1*) If the owner or occupier of any premises suffers the same to be in a filthy or unwholesome state, the Cantonment Authority may by notice require him to cleanse the same, or otherwise put them in a proper state, within twenty-four hours.

(*2*) The notice may specify the manner, with the concurrence of the Sanitary Officer, in which the cleansing shall be wholly or in part carried out.

[*Madras Act I of 1884, s. 325, and Bengal Act II of 1888, s. 315.*] (402, 403.)

Cleansing or filling up of offensive well, marshy ground, &c.

463. (*1*) Whenever any well, tank or marshy ground, or any waste or stagnant water, whether within any private enclosure or not, appears to the Cantonment Authority to be injurious to health or offensive to the neighbourhood, the Cantonment Authority may by notice require the grantee, owner or occupier of the land within thirty days from the service of the notice to cleanse such well, or to fill it up with clean soil, gravel or sand, or to fill up such tank or marshy ground, or to drain off or remove such waste or stagnant water, as the case may be:

Provided that if, in the opinion of the Cantonment Authority, it is unreasonable to throw the whole expense on the grantee, owner or occupier, it may, with the previous sanction of the Commander-in-Chief, specify in the notice how much of the expense or what proportion thereof will be borne by the Government.

(*2*) No well, whether situate on private or public land, shall be filled up otherwise than with clean soil, gravel or sand.

[*Clause (16).*]

Penalty for cultivating prohibited crop.

464. Whoever cultivates any description of crop which is prohibited by the Cantonment Authority by public notice shall be punishable with fine which may extend to fifty rupees.

[*Act XVIII of 1889, s. 81.*] (398, 400.)

Power to control agriculture and irrigation.

465. (*1*) If the Cantonment Authority considers the cultivation of any description of crop not specified in a notice issued under section 464, or the use of any kind of manure, or the irrigation of land in any specified manner, in any place within the cantonment to be injurious to the public health, the Cantonment Authority may by notice require any person or persons carrying on the cultivation of the crop, or using the manure or irrigating the land in that manner to cease therefrom, or to obey any directions it may give, imposing such conditions as may prevent the injury.

(*2*) When any land to which such notice applies has been lawfully prepared for cultivation, or any crop is sown therein or is standing thereon, the Cantonment Authority shall make compensation to all persons interested in the land or crop for any damage caused to them in consequence of the notice.

Removal of noxious vegetation.

466. The Cantonment Authority may by notice require the owner or occupier of any land to clear away and remove any thick or noxious vegetation or undergrowth which appears to the Cantonment Authority to be injurious to health or offensive to the neighbourhood.

[*Act XVIII of 1889, s. 76.*] (397.)

Overcrowded Dwellings.

Powers as to overcrowded dwelling.

467. (*1*) If it appears to the Cantonment Authority that any building used as a dwelling is so overcrowded as to endanger the health of the inmates thereof,

[*Bengal Act II of 1888, s. 320, and Clause (14).*] (367, 369, 370.)

it may, after such enquiry as it thinks fit to make, by notice require the owner of the building within a reasonable time, not exceeding six weeks, to be prescribed in the notice, to abate the overcrowding of the building by reducing the number of lodgers, tenants or other inmates thereof,

or may pass such other order as it may deem just and proper.

(*2*) It shall be incumbent on every tenant, lodger or other inmate of the building to vacate the same on being required by the owner so to do in pursuance of any such notice.

(*3*) If the owner of the building has sub-let the same, the landlord of the lodgers, tenants or other actual inmates of the building shall, for the purposes of this section, be deemed to be the owner of the building.

(*4*) Whoever disobeys any written notice or order lawfully issued by the Cantonment Authority under sub-section (*1*) shall be punishable with fine which may extend to five rupees, and, in case of a continuing breach, with an additional fine which may extend to five rupees for every day after the first during which the breach continues.

(*5*) Whoever disobeys any requisition lawfully issued by an owner of an overcrowded building under sub-section (*2*) to vacate such building shall be punishable with fine which may extend to five rupees, and, in case of a continuing breach, with an additional fine which may extend to one rupee for every day after the first day during which the breach continues.

Dilapidated Buildings.

Powers in respect of dilapidated building.

468. Whenever any building is so dilapidated as, in the opinion of the Cantonment Authority, to be unfit for the purpose for which it was constructed or has been used, the Cantonment Authority may, with the previous sanction of the Commander-in-Chief, by notice require the owner of the building to make it fit for one or other of those purposes.

[*Clause (15).*] (371, 372.)

Dangerous or Ruinous Buildings and Places.

[Clause (17).] (717—719.) Control over buildings used as places of public entertainment or resort.

469. (*1*) The Cantonment Magistrate may prohibit the use of any building as a place of public entertainment or resort if in his opinion the building is unsafe or proper precautions have not been taken for securing the safety of the people to be assembled therein.

(*2*) Whoever, being the owner or occupier, or having the use, of any building, uses the same, or permits it to be used, in contravention of any order issued by the Cantonment Magistrate under this section, shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

[Act XVIII of 1889, s. 75.] (379, 642.) Power to require ruinous or dangerous building to be removed or repaired.

470. If any building, wall or structure, or anything affixed thereto, is deemed by the Cantonment Authority to be in a ruinous state or in any way dangerous, it may by notice require the owner or occupier forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure or thing affixed thereto as it may consider necessary for the public safety; and

if it appears to the Cantonment Authority to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are in its opinion necessary to avert the danger.

[Act XVIII of 1889, s. 74.] (378, 642.) Power to require dangerous building or excavation to be secured.

471. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure dangerous to persons passing by or dwelling or working in the neighbourhood, the Cantonment Authority may by notice require the owner or occupier thereof to repair, protect or enclose the same; and

if it appears to the Cantonment Authority to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are in its opinion necessary to avert the danger.

Untenanted Buildings or Land.

[Act XVIII of 1889, s. 80.] (373—375, 641.) Powers in respect of untenanted building or land which is a nuisance.

472. The Cantonment Authority may by notice require the owner, or person claiming to be the owner, of any building, or the grantee or person claiming to be the grantee of any land,

which, by reason of abandonment or disputed ownership or other cause, remains untenanted, and thereby becomes a resort of idle and disorderly persons, or otherwise a nuisance,

to secure or enclose the same within a reasonable time to be specified in the notice.

Preservation of Lands.

[Madras Act I of 1884, s. 331.] (425.) Penalty for injuring public land or water.

473. If any person, not acting in the discharge of his duty as an officer of the Government or a servant of the Cantonment Authority, and not having obtained the written permission of the Cantonment Magistrate,

removes grass, wood, earth, sand or any other material from, or

deposits any matter or makes any encroachment or obstruction in or upon,

any land, river, estuary, canal, backwater, watercourse, lake or tank within the cantonment which is not under the control of a private person,

he shall be punishable with fine which may extend to fifty rupees.

Penalty for making excavation without permission, and filling up of unauthorized excavations. [Bengal Act II of 1888, s. 314, and Clause (16).] (401.)

474. If without the permission of the Cantonment Authority

any person makes an excavation in any land in the cantonment for the purpose of removing earth, sand, stone, gravel, bricks, coal, metal or any other thing, or of storing offensive matter or rubbish, or of providing for the passage of water, or for any other purpose, or

digs any tank, well or pit in any such land,

he shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days, and the Cantonment Authority may by notice require the grantee, owner or occupier of the land within two weeks to fill upthe excavation, tank, well or pit with earth, or with such other material as it may approve.

Preservation of land in hill cantonments. [Act XX of 1891, ss. 144—146.] (393, 394, 426.)

475. (*1*) The Cantonment Authority of any cantonment situated in a hilly tract may make rules, consistent with the Cantonments Act, 1889, and this Code, for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the Cantonment Authority to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of land-slips, or of the formation of ravines or torrents, or the protection of land against erosion, or the deposit thereon of sand, gravel or stones. XIII of 1889.

(*2*) Where there is a Cantonment Committee, rules under this section may be made only at a special meeting.

(*3*) In making any rule under this section, the Cantonment Authority may direct that any breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with an additional fine which may extend to five rupees for every day after the first during which the breach continues.

(*4*) In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as lies within his power.

(*5*) No rule made under this section shall come into force until it has been confirmed by the Commander-in-Chief and notified by public notice.

Trespass.

Penalty for trespassing on public land. [Act XLVII of 1860, s. 9.] (824.)

476. Whoever without reasonable excuse trespasses in or on any building or land belonging to the Government or appropriated to a public purpose shall be punishable with fine which may extend to twenty rupees.

Trees, fences and hedges.

[*Clause* (*16*).] (392—394.)

Felling of trees.

477. (*1*) No general felling of trees shall be ordered by the Cantonment Authority without the previous sanction of the Commander-in-Chief.

(*2*) Whoever without the written permission of the Cantonment Authority fells any tree growing in a cantonment shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[*Clause* (*16*).] (395.)

Lopping and trimming of trees.

478. The Cantonment Authority may from time to time,—

(*a*) in such manner as it may think fit, or may be directed by the Commander-in-Chief, lop or trim any trees growing on land belonging to the Government in the cantonment, or

(*b*) by general notice require all grantees, owners or occupiers of land to lop or trim in such manner as aforesaid the trees growing on lands under their control, or

(*c*) by special notice require any grantee, owner or occupier of land to lop or trim in such manner as aforesaid any tree or trees growing on land under his control:

Provided that no order for the general trimming of trees in any manner which might be considered likely to cause permanent damage thereto shall be given without the previous sanction of the Commander-in-Chief.

[*Madras Act I of 1884, s. 329, and Clause* (*15*).] (390, 391.)

Construction and maintenance of fences or hedges.

479. (*1*) The Cantonment Authority may by notice require the grantee, owner or occupier of any land to construct, maintain or repair sufficient fences for such land, so that they may not exceed such height from the level of the ground as the Cantonment Authority may from time to time determine.

(*2*) Any notice requiring the construction of a fence may specify the materials to be used; and, in determining what materials are to be used, the Cantonment Authority shall be guided by the usage of the neighbourhood, and may in accordance therewith direct that the fence shall be a hedge of any particular description, or shall be made of mud, bricks, stone, wood or any other material.

[*Clause* (*15*).] (389.)

Cutting or trimming of hedges.

480. The Cantonment Authority may by notice require the grantee, owner or occupier of any land to cut or trim within three days, in the manner specified in the notice, the hedges standing on the land.

Powers of Entry and Inspection.

[*Act XVIII of 1889, s. 62.*]

Power to enter and inspect building and direct cleansing of same.

481. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner of any building, at any time between sunrise and sunset, enter into and inspect the building,

and the Cantonment Authority may, after such inspection, by notice direct that all or any part of the building be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

[*Clause* (… (845)

Power to enter land to examine excavations, &c., or to enquire into its sanitary condition.

482. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the grantee or owner of any land, at any time between sunrise and sunset,

enter on the land for the purpose of examining the condition of wells, tanks, pools, excavations, vegetation, trees, fences or hedges, or of enquiring into the sanitary condition of the land.

[*Clause* (… (836)

Power to enter and inspect building used as a place of public entertainment or resort.

483. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, after giving twenty-four hours' notice to the occupier, at any time between sunrise and sunset enter into and inspect any building which is being, or is about to be, used as a place of public entertainment or resort

for the purpose of ascertaining whether the building is safe, or whether proper precautions have been taken for securing the safety of the people to be assembled therein.

CHAPTER XXVIII. ([a])

CATTLE-DISEASE.

Preliminary.

[*Clause* (3… (979)

Certain cantonments excluded from operation of chapter.

484. This chapter shall not apply ([b])—

(*a*) to any cantonment situate in the territories administered by the Governor of Fort St. George in Council, or

(*b*) so far as regards horses affected with glanders, farcy or any dangerous disease notified under section 2 of the Bengal Contagious Diseases (Animals) Act, 1880, to any cantonment situate in the territories administered by the Lieutenant-Governor of Bengal, or VIII of 1880.

(*c*) so far as regards horses affected with glanders or farcy, to any cantonment situate in the territories administered respectively by the Governor of Bombay in Council, the Lieutenant-Governors of the North-Western Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, Burma, Assam and Ajmere.

Explanation.—In clauses (*b*) and (*c*) of this section "horse" includes also ponies, asses, mules and jennets.

([a]) The Glanders and Farcy Act (XX of 1879) and the Bengal Contagious Diseases (Animals) Act (Bengal Act VIII of 1880) deal only with horses. Madras Act II of 1866 is the only Act dealing with cattle-disease generally. The object of this Chapter is to provide for Cantonment Authorities a means of protecting themselves against cattle-disease without interfering with the provisions of existing enactments on the subject.

([b]) The chapter will apply (*1*) to all cantonments in Bengal, except as regards horses affected with glanders, farcy or any dangerous disease notified under section 2 of Bengal Act VIII of 1880; (*2*) to all cantonments in the Bombay Presidency, the North-Western Provinces, the Punjab, Oudh, the Central Provinces, Burma, Assam and Ajmere, except as regards horses affected with glanders or farcy; and (*3*) to all cantonments in British Baluchistan.

[*Clause* (31).] (1016.) Certain animals partly excepted from operation of chapter.

485. Sections 487 to 491 (both inclusive), 495, 497 to 499 (both inclusive), 502, 503, 506 and 508 shall not apply to any chargers of military officers which are under the care of a Government veterinary surgeon, or to any animals belonging to a military force quartered in a cantonment.

[*Madras Act II of 1866, s. 2, and Bengal Act VIII of 1880, s. 2.*] (980—982.) Definitions.

486. In this chapter, unless there is something repugnant in the subject or context,—

(*1*) "animal" means a horse, pony, ass, mule, jennet, camel, buffalo, bull, bullock, cow, heifer, calf, sheep, lamb, goat, kid or pig;

(*2*) "dangerous cattle-disease" means glanders, farcy or anthrax, and includes any other infectious or contagious disease among animals which the Local Government may, by notification in the official Gazette, declare to be a dangerous cattle-disease; and

(*3*) "veterinary surgeon" includes any salútri or other person appointed by the Local Government to act as a veterinary surgeon for the purposes of this chapter.

Veterinary Hospitals.

[*Clause* (22.)] (983.) Provision and maintenance of veterinary hospitals.

487. The Cantonment Authority may by public notice, with the previous sanction of the Commander-in-Chief, appoint such places as it thinks fit within or (with the concurrence of the District Magistrate) outside the cantonment for the purpose of being used as hospitals for animals affected with dangerous cattle-disease.

[*Madras Act II of 1866, s. 3.*] (985.) Appointment of person to take charge of veterinary hospitals.

488. The Cantonment Authority shall appoint such person as it thinks fit to be in charge of any hospitals provided under this chapter.

[*Clause* (31).] (986.) Medical supplies and furniture.

489. The Cantonment Authority shall furnish every hospital provided under this chapter with all necessary drugs, instruments, apparatus, furniture and appliances.

[*Madras Act II of 1866, ss. 9 and 11.*] (987, 988.) Feeding and treatment of animals in hospital, and recovery of cost in certain cases.

490. (*1*) Every animal taken to a hospital provided under this chapter shall be fed and treated at the cost of the Cantonment Fund:

Provided that the owner or the person who was in charge of any such animal may himself supply food and medicines for its use, but any food or medicine so supplied must be such as the person in charge of the hospital may approve or direct.

(*2*) If any animal which has been fed and treated at the cost of the Cantonment Fund recovers from the disease with which it was affected, the owner, or the person who was in charge of the animal, shall pay the actual cost of its feeding and treatment while in the hospital.

(*3*) If such owner or other person fails to pay such cost, the Cantonment Magistrate may, after giving notice of his intention to such person, cause the animal to be sold by auction, and may apply any sum realised thereby to the payment in full or in part of such cost, paying over the balance (if any) to such person:

Provided that the Cantonment Magistrate may in his discretion remit the whole or any part of such cost in the case of any person who from poverty or for any other cause cannot reasonably be expected to pay the same.

Penalty for letting animal escape from hospital. [*Clause* (22) (1007.)

491. Whoever without the permission of the person in charge of a hospital provided under this chapter voluntarily or negligently causes or permits any animal to be turned loose, or to stray or escape, from such hospital shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

Prevention of the Spread of Dangerous Cattle-disease.

Penalty for not segregating infected animal. *Bengal Ac[t] VIII of 188[0], s. 3, a[nd] Clause (22)* (1004.)

492. Whoever, having in his possession or under his charge any animal which he knows, or has reason to believe, to be affected with a dangerous cattle-disease, fails to keep such animal separate from animals not so affected, shall be punishable with fine which may extend to fifty rupees.

Penalty for careless or improper moving of animal which has been exposed to infection. [*Act XX o[f] 1879, s. 1[,] and Claus[e] (22).*] (1005.)

493. Whoever, having in his possession or under his charge any animal which has been in the same building or place, or in contact with any other animal which he knows, or has reason to believe, to have been affected with a dangerous cattle-disease,

moves, or causes to be moved, such animal, except in good faith, for the purpose of preventing the spread of, and with proper precautions against spreading, such disease, or except with the permission of the Cantonment Magistrate granted on the advice of a veterinary surgeon,

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

Penalty for allowing infected animal in street, &c. [*Bengal A[ct] VIII of 18[80], s. 11, a[nd] Clause (2[2])*] (1006.)

494. Whoever voluntarily or negligently works, drives or leads, or causes or permits to be worked, driven or led, on any street or public place any animal affected with a dangerous cattle-disease, except for the purpose of being taken to a veterinary surgeon or to a hospital provided under this chapter, or of being destroyed in accordance with this chapter, or

voluntarily or negligently causes or permits any such animal to be turned loose, or to stray or escape into any place whence it can afterwards escape into any street or any public or private place,

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

Power to appoint inspectors. [*Act XX [of] 1879, s. 4*] (990.)

495. The Cantonment Authority may appoint the person in charge of any hospitals provided under this chapter, or any other person or persons whom it thinks fit, to be inspectors for the purposes of this chapter.

[*Bengal Act VIII of 1880, s. 3, and Clause (22).*] (991.)

Penalty for failing to give information of dangerous cattle-disease.

496. Whoever, having in his possession or under his charge any animal which he knows, or has reason to believe, to be affected with a dangerous cattle-disease,

fails, within six hours of his becoming cognizant of the existence of such disease, by himself or by a servant or some other person, to give information to one of the following officers, namely, the Cantonment Magistrate or an inspector or an officer of police, respecting the existence of such disease,

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[*Bengal Act VIII of 1880, s. 4.*] (993.)

Examination of diseased animal by veterinary surgeon.

497. (*1*) Whenever an officer of police receives information that an animal is affected with a dangerous cattle-disease, he shall immediately make a report to the Cantonment Magistrate or, where any inspector has been appointed under section 495, to an inspector.

(*2*) Whenever any such information is received by, or any such report is made to, the Cantonment Magistrate or an inspector, he shall cause the animal to be immediately examined by a veterinary surgeon:

Provided that, when the inspector is a veterinary surgeon, he may examine the animal himself.

[*Bengal Act VIII of 1880, s. 4.*] (994.)

Removal to hospital or destruction of diseased animal.

498. If any veterinary surgeon who examines an animal under section 497 finds that it is affected with a dangerous cattle-disease, the Cantonment Magistrate or the inspector, as the case may be, may,—

(*a*) if the veterinary surgeon certifies in writing under his hand that the animal ought in his opinion to be sent to a hospital provided under this chapter, by notice require the owner or the person in charge of the animal to forthwith either send it to the hospital or suffer it to be destroyed, or,

(*b*) if the veterinary surgeon so certifies that the animal ought in his opinion to be forthwith destroyed, cause it to be destroyed.

[*Madras Act II of 1866, s. 10.*] (994.)

Destruction of diseased animal in hospital.

499. When any animal has been removed to a hospital provided under this chapter, the person in charge of the hospital may, with the sanction of the Cantonment Magistrate, at any time cause it to be destroyed if he is of opinion that its destruction is necessary to prevent the spread of the disease with which it is affected.

[*Madras Act II of 1866, s. 8.*] (999.)

Cleansing and disinfection of premises, and disinfection or destruction of fodder, dung, &c.

500. The Cantonment Magistrate may, upon the advice of any veterinary surgeon, by notice require the owner, grantee or occupier of any building or land in or on which any animal affected with a dangerous cattle-disease has been or is to cleanse and disinfect, in such manner as may be specified in the notice, the building or land, and to disinfect, in such manner as aforesaid, and, if necessary, to destroy, any fodder, dung, refuse, rubbish, fittings or other thing which is or are likely to retain infection:

Provided that, if, in the opinion of the Cantonment Magistrate, the owner, grantee or occupier is from poverty or for any other reason unable effectually to carry out any requisition which is or might be made under this section, the Cantonment Magistrate, or any servant of the Cantonment Authority appointed by him in this behalf, may, at the expense of the Cantonment Fund, cleanse or disinfect the building or land or any part of the same, and any fodder, dung, refuse, rubbish, fittings, or other thing therein or thereon which is or are likely to retain infection.

[*Clause* (22).] (1008.)

Penalty for bringing infected animal into cantonment.

501. Whoever, having in his possession or under his charge any animal which he knows, or has reason to believe, to be affected with a dangerous cattle-disease, or to be likely to produce such disease in other animals by contact or near approach,

brings or conveys, or causes to be brought or conveyed, such animal into any cantonment, except in good faith, for the purpose of preventing the spread of, and with proper precautions against spreading, such disease,

shall be punishable with fine which may extend to fifty rupees;

and the Cantonment Magistrate or any inspector upon a certificate from a veterinary surgeon that such animal is affected with a dangerous cattle-disease may cause it to be forthwith destroyed.

[*Clause* (22).] (1010, 1012.)

Removal of infected animal from cantonment.

502. (*1*) In any case in which the Cantonment Magistrate is authorised by this chapter to direct the removal of an animal to a hospital, and

in any case in which a veterinary surgeon advises that an animal which has been exposed to the infection of a dangerous cattle-disease should be excluded from the cantonment,

the Cantonment Magistrate may, by order in writing, require the person having possession or charge of the animal to remove it from the cantonment within a time to be specified in the order, and prohibit him from permitting the animal to re-enter the cantonment without the permission of the Cantonment Magistrate.

(*2*) If any person disobeys any order given to him under sub-section (*1*), he shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[*Clause* (22).] (1009.)

Power to prescribe routes for taking infected animals.

503. The Cantonment Authority may by public notice prescribe the routes by which animals which are affected with or have been exposed to the infection of any dangerous cattle-disease shall be taken, driven or led when removed for any of the purposes of this chapter:

Provided that no person shall be punished for not taking, driving or leading any such animal by a route prescribed as aforesaid if it is found to have been impracticable so to do in his case.

Bengal Act III of 1880, s. 10.] (997.)

Disposal of carcasses.

504. Whenever any animal affected with a dangerous cattle-disease dies or is destroyed, the carcass shall be buried or burnt within such time and in such manner as the Cantonment Authority may by rules made under section 505 direct.

[Act XX of 1879, s. 14, and Bengal Act VIII of 1880, s. 5.] XIII of 1889. (999, 1001, 1002.)

Power to make rules.

505. (*1*) The Cantonment Authority may make rules, consistent with the Cantonments Act, 1889, and this Code, to provide for all or any of the following matters, namely:

(*a*) regulating the cleansing and disinfecting of buildings and places in which animals affected with dangerous cattle-disease have been, and the cleansing, disinfecting or destruction of cloths, fodder, dung, refuse, rubbish, fittings and other things found therein or near thereto;

(*b*) regulating the destruction of animals certified under section 498 to be affected with dangerous cattle-disease;

(995.) (*c*) determining a proper place for the burial or burning of the carcasses of animals affected with dangerous cattle-disease; and

(997, 998, 1009 (*b*).) (*d*) regulating the burial or burning of such carcasses.

(*2*) Rules made under clause (*d*) of sub-section (*1*) may provide, among other matters, for fixing the routes by which carcasses must be taken to the place of burial or burning, for fixing the depth at which carcasses are to be buried, for the slashing of the skin before burial, for the covering of carcasses with quicklime or some other disinfectant, and for prohibiting the exhumation of carcasses.

(*3*) Where there is a Cantonment Committee, rules under this section may be made only at a special meeting.

(*4*) No rule made under this section shall come into force until it has been confirmed by the Commander-in-Chief and the Local Government.

(*5*) Whoever disobeys any rule made under this section shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[Bombay Act III of 1888, s. 434.] (989.)

Power to take special measures on outbreak of dangerous cattle-disease.

506. If any cantonment is at any time visited or threatened with an outbreak of any dangerous cattle-disease which the District Magistrate reports to be epizootic in the neighbourhood, and the Cantonment Authority considers that the provisions of this Code or any other law for the time being in force in the cantonment are insufficient for the purpose of preventing the outbreak or spread of that disease,

the Cantonment Authority may, with the sanction of the Local Government or of such authority as the Local Government may by general or special order appoint in this behalf,—

(*a*) take such special measures, and

(*b*) by public notice prescribe such temporary rules to be observed by the public or by any person or class of persons,

as it may deem necessary.

Powers of Entry and Inspection.

Powers of entry and inspection.

507. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, or any inspector appointed under section 495, may at all reasonable times, with or without the assistance of a veterinary surgeon or of any other person, enter into and inspect any building or land wherein or whereon such Magistrate or inspector has reason to believe there is or has been— *[Madras Act II of 1866 s. 7, and Clause (28).]* (1017.)

(*a*) any animal which is affected with a dangerous cattle-disease, or is or has been exposed to the infection thereof, or

(*b*) the carcass of any animal which has died from such a disease;

and may inspect any such animal or carcass, or any fodder, dung, refuse, rubbish, fittings or other thing found in, on or near such building or land.

Penalty for vexatious entry or seizure.

508. (*1*) Any inspector who without reasonable ground for suspicion, enters or inspects any building or land, or vexatiously and unnecessarily seizes or detains any animal on the pretence that it is affected with a dangerous cattle-disease, shall be punishable with fine which may extend to fifty rupees. *[Act XX of 1879, s. 12.]* (1014, 1015.)

(*2*) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence was committed.

(*3*) The Cantonment Magistrate may award the whole, or such portion as he thinks fit, of the amount of any fine realised under this section as compensation to any person who has suffered substantial loss in consequence of the offence in respect of which the fine was imposed. *[Madras Act II of 1866, s. 16.]*

Claims to Compensation barred.

Claims to compensation barred.

509. Subject to the provisions of section 508, sub-section (*3*), no compensation shall be claimable in respect of any loss incurred by reason of any act authorised by this chapter. *[Madras Act II of 1866, s. 10.]* (1013.)

CHAPTER XXIX. [a]

GRAZING AND CRUELTY TO ANIMALS.

Grazing.

Power to seize animal doing damage while grazing, &c.

510. (*1*) The Cantonment Magistrate may, by himself or by any person authorised by him in this behalf, *[Clause (24).]* (795.)

(*a*) seize any animal which, being at large for the purpose of grazing, does damage to, or is found straying on, any public road in the cantonment, or any land in the cantonment which is not in the occupation or under the control of any grantee, owner or occupier, or

---

(a) In this chapter power has been taken to impound cattle grazing on unauthorised places or at unauthorised times within cantonment limits, and to punish persons who send them to such places for the purpose.

The proper procedure is indicated for dealing with cruelty to animals. The cantonment pound can easily be used for the purposes of an infirmary.

(*b*) seize any animal found grazing upon any such road or land unattended or not duly controlled, or unauthorisedly grazing in any place in the cantonment.

(*2*) Every person who seizes an animal under this section shall send it, or cause it to be sent, within twenty-four hours to the cantonment pound.

[*Clause* (*24*).] (796.) Penalty for grazing animal without control or unauthorisedly on cantonment land.

511. Whoever

grazes any animal, or permits any animal to graze, upon any public road in a cantonment, or upon any land in a cantonment which is not in the occupation or under the control of any grantee, owner or occupier, and leaves the animal unattended or not duly controlled, or

without authority allows any animal to graze in any place in a cantonment,

shall be punishable with fine which may extend to fifty rupees.

Cruelty to Animals.

[*Clause* (*24*).] (793.) Extension of the Prevention of Cruelty to Animals Act, 1890, to cantonments.

512. (*1*) Unless the Commander-in-Chief concurs with the Cantonment Authority in thinking there is some special reason to the contrary, the Cantonment Authority shall apply to the Local Government to extend the Prevention of Cruelty to Animals Act, 1890, to the cantonment. XI of 1890.

(*2*) In making such an application, the Cantonment Authority shall, unless there is some reason to the contrary, suggest that the place appointed to be an infirmary under section 6, sub-section (*2*), of the said Act should be the pound (if any) established in the cantonment under the Cattle-trespass Act, 1871. I of 1871.

CHAPTER XXX. [a]

REGISTRATION OF BIRTHS AND DEATHS.

[*Bengal Act II of 1888, ss. 183 and 184.*] (614, 616, 617, 620, 622.) Preparation of registers, and registration of births and deaths by Cantonment Magistrate.

513. (*1*) The Cantonment Authority shall cause to be prepared and printed registers for making entries, according to the forms numbered 4 and 5 respectively in Schedule I, of all births and deaths occurring in the cantonment.

(*2*) The pages of such registers shall be numbered progressively from the beginning to the end, and every space for an entry shall be also numbered progressively from the beginning to the end of the register, and shall be divided from the next following space by a line.

(*3*) The Cantonment Magistrate shall inform himself of every birth and death occurring in the cantonment, and shall register the same without charge as soon as conveniently may be after the event.

(*4*) All entries in a register shall be made consecutively from the beginning to the end of the register.

([a]) The object of this chapter is to improve the existing procedure and render the registration of births and deaths a record of value.

Penalty for failure to give information as to birth. [*Bengal IV of 1873, ss. 7 and 8, Act II 1888, s. (2).*]

514. (*1*) Whoever,—

(*a*) being the father or mother of a child born in the cantonment, or

(*b*) (in default of the parents) being a medical practitioner or other person openly and constantly practising the medical profession, or a midwife, and assisting at the birth of the child, or

(*c*) (in default of such practitioner, person or midwife) being a person in charge of the child, or

(*d*) (in default of a person so in charge) being the owner, grantee or occupier of the building or land in or on which the child was born, and being cognizant of the birth,

fails to give information to the Cantonment Magistrate, personally or in writing, within eight days next after the day of the birth, according to the best of his or her knowledge and belief, of the several particulars required by this chapter to be registered touching the birth of the child,

shall be punishable with fine which may extend to five rupees:

(*2*) Provided that, where any person is not required to give information in the first instance, but is only required to give it in default of some other person, he or she shall not be punished if it is shown that he or she had reasonable cause to suppose that the information had been duly given:

(*3*) Provided also that not more than one person shall be punished for failure to give such information:

(*4*) Provided also that, in the case of an illegitimate child, no person shall, as father of the child, be bound to give information concerning the birth, and the Cantonment Magistrate shall not enter in the register the name of any person as father of the child unless at the request of the mother and of the person acknowledging himself to be the father.

Penalty for failure to give information as to death. [*Bengal Act IV 1873, s. 8.*]

515. (*1*) Whoever,—

(*a*) being the nearest male relative of a person dying in the cantonment, and being present at the death or in attendance on the deceased during his last illness, or

(*b*) (in default of such relative) being a person in charge of the deceased immediately before his death, or

(*c*) (in default of such person) being the owner, grantee or occupier of the building or land in or on which the death occurred,

fails to give information to the Cantonment Magistrate, personally or in writing, within eight days next after the day of the death, according to the best of his knowledge and belief, of the several particulars required by this chapter to be registered touching the death,

shall be punishable with fine which may extend to five rupees:

(*2*) Provided that, where any person is not required to give information in the first instance,

but is only required to give it in default of some other person, he shall not be punished if it is shown that he had reasonable cause to suppose that the information had been duly given:

(*3*) Provided also that not more than one person shall be punished for failure to give such information:

(*4*) Provided also no person shall be bound to give the name of any female relative.

[*Bengal Act IV of 1873, s. 10.*] (627.)

Penalty for false information as to birth or death.

516. Whoever knowingly makes, or causes to be made, for the purpose of being inserted in any register of births or deaths kept under this chapter, any false statement touching any of the particulars required to be registered shall be punishable with fine which may extend to fifty rupees.

[*Clause (26).*]

Entry of birth or death to be signed by informant.

517. (*1*) When an entry of a birth or death has been made under this chapter, the person giving information of the birth or death must sign the entry in the presence of the Cantonment Magistrate or of some servant of the Cantonment Authority appointed by the Cantonment Magistrate in this behalf.

(*2*) When the birth of an illegitimate child is registered, and the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the presence of the Cantonment Magistrate or of some servant of the Cantonment Authority appointed by the Cantonment Magistrate in this behalf.

[*Madras Act I of 1884, s. 403.*] (623.)

Extract from register of births to be given to informant.

518. (*1*) Whenever any birth is registered under this chapter, the Cantonment Magistrate shall, upon the application of the person on whose information the registration was made, give to such person, free of charge, an extract from the register relating to such birth.

(*2*) The extract shall be in such form as the Local Government may prescribe, and shall be signed by the Cantonment Magistrate.

[*Bombay Act III of 1888, s. 452.*] (624.)

Correction of clerical errors in register of births or deaths.

519. Any clerical error which may at any time be discovered in a register of births or a register of deaths kept under this chapter may, upon proof that the same is an error, be corrected by the Cantonment Magistrate without any erasure of the original entry, and the Cantonment Magistrate shall attest the correction by his signature in the register.

[*Bombay Act III of 1888, s. 453.*] (625.)

Alteration, or entry in register of birth, of name of child.

520. When the birth of any child has been registered under this chapter, and the name, if any, by which it was registered is altered, or

if it was registered without a name, when a name is given to it,

the Cantonment Magistrate may, upon proof that the name of the child has been altered or that a name has been given to it, cause the alteration in the name to be made or the name to be entered in the register without any erasure of the original entry, and shall in every such case attest the alteration or entry by his signature in the register.

[*Bombay Act III of 1888, s. 452 (3).*]

No further alteration in registers.

521. Except as provided in sections 519 and 520, no alteration shall be made in any register of births or register of deaths kept under this chapter.

[*Madras Act IV of 1884, s. 249 (4).*] (626.)

Power to search registers and require extract.

522. Any person may at all reasonable times, on payment of a fee of eight annas for each visit, search in the presence of the Cantonment Magistrate, or of any servant of the Cantonment Authority appointed by the Cantonment Magistrate in this behalf, any register of births or register of deaths kept under this chapter, and

may require the Cantonment Magistrate to give him an extract, signed by the Cantonment Magistrate, from any such register, relating to any birth or death registered therein, on payment of a further fee of eight annas in respect of each birth or death regarding which an extract is required.

CHAPTER XXXI. [a]

VERIFICATION OF WEIGHTS AND MEASURES.

[*Bengal Act II of 1888, s. 370.*] (668.)

Provision, custody and use of local standards.

523. (*1*) The Cantonment Authority shall ascertain what denominations of weight and measure are in use in the cantonment, and shall provide such local standards as it may deem requisite for the purpose of verifying weights and measures of any of those denominations.

(*2*) The Cantonment Authority shall make such arrangements as it may think fit for the safe keeping of the said standards, and shall provide proper means for verifying weights and measures by comparison with the said standards, and for stamping weights and measures so verified.

[*Bengal Act II of 1888, s. 371.*] (669—671.)

Appointment of servant of the Cantonment Authority to verify weights and measures, and duties of such servant.

524. (*1*) The Cantonment Authority shall, by public notice, fix the times and places at which a servant of the Cantonment Authority appointed by the Cantonment Magistrate in this behalf shall attend for the purpose of verifying weights and measures.

(*2*) The servant of the Cantonment Authority so appointed shall attend with the local standards in his custody at each time and place so fixed, and shall examine every weight or measure which is of the same denomination as one of such standards and is brought to him for the purpose of verification, and shall compare the same with that standard, and, if he finds the same correct, shall stamp it with a stamp of verification in such manner as to prevent fraud.

(*3*) The said servant of the Cantonment Authority shall enter in a book to be kept by him for the purpose minutes of every such verification, and shall, if required, give a certificate signed by him of every such stamping.

[*Madras Act III of 1888, s. 32.*] (672, 673.)

Power to deal with weights and measures differing from local standards.

525. The Cantonment Authority shall by public notice declare that any weight or measure of the same denomination as a local standard provided

[a] This chapter aims at preventing the use of false weights and measures, by the provision of approved standards, and by arranging for the regular comparison of weights and measures therewith.

under section 523 which does not agree with that standard shall be deemed to be false; and on conviction being had under Chapter XIII of the Indian Penal Code n respect of any such weight or measure, the same shall be forfeited and dealt with under the provisions of section 517 of the Code of Criminal Procedure, 1882.

XLV of 1860.

X of 1882.

Powers of Entry and Inspection.

[*Madras Act III of 1888, s. 33, and Clause (28).*] (856 (2), (*b*), 880.)

Power to enter shop and seize false weights and measures.

526. The Cantonment Magistrate, by himself or by any person authorised by him in this behalf, may, at any time during which a shop or other place for the sale of any article is open for business, enter into and inspect such place, and seize any weight or measure which there is reason to believe is false.

CHAPTER XXXII. ([a])

PREVENTION OF GAMING.

[*Clause (31).*] (1018.)

Certain cantonments excluded from operation of chapter.

527. This chapter shall not apply ([b])—

(*a*) to any cantonment situate in the territories administered by the Governor of Bombay in Council or the Lieutenant-Governor of Bengal, or

(*b*) to any cantonment situate in the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Punjab and the Chief Commissioners of Oudh, the Central Provinces, Burma, Assam, Ajmere and British Baluchistan in which Act III of 1867 (*An Act to provide for the punishment of public gambling and the keeping of common gaming-houses*) is for the time being in force.

Definitions.

528. In this chapter, unless there is something repugnant in the subject or context,—

[*Bombay Act I of 1890, s. 1.*]

(*1*) "gaming" includes wagering;

[*Bombay Act I of 1890, s. 1.*] (1020.)

(*2*) "instruments of gaming" include cards, dice, tables, cloths, boards, mechanical or other contrivances, boxes, receptacles, money, securities for money, cowries, counters, and any other article used as a means or subject of gaming; and

[*Madras Act III of 1888, s. 3.*] (1019.)

(*3*) "common gaming-house" means any enclosure, tent, room or place, whether public or private, in which instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such enclosure, tent, room or place, whether by way of charge for the use of the instruments of gaming or of the enclosure, tent, room or place, or otherwise howsoever.

([a]) Gambling among the lower classes in cantonments is a source of much petty crime, and requires to be put down. There is no general Gambling Act for all India, and this chapter aims at providing a law for those cantonments not reached by the existing enactments on the subject. The sections are based on existing law and practice.

([b]) The chapter will apply (1) to all cantonments in the Madras Presidency, and (2) to all cantonments in the North-Western Provinces, the Punjab, Oudh, the Central Provinces, Burma, Assam, Ajmere and British Baluchistan in which Act III of 1867 is not for the time being in force. To cantonments in the Bombay Presidency and Bengal, Bombay Act IV of 1887 and Bengal Act II of 1867 respectively can be extended.

Penalty for keeping common gaming-house.

529. Whoever opens, keeps or uses, or permits to be used, any common gaming-house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes money for gaming therein, shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[*Madras A… III of 188… 45.*] (1022.)

Penalty for being found in common gaming-house.

530. Whoever is found gaming, or present for the purpose of gaming, in a common gaming-house shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days;

[*Madras A… III of 1888, … 46.*] (1023.)

and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Powers of entry in respect of gaming-houses.

531. If the Cantonment Magistrate has reason to believe that any enclosed place or building is used as a common gaming-house, he may by his warrant give authority to any police-officer above the rank of constable to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, such place or building, and to arrest all persons and seize all instruments of gaming found therein, and to search all parts of such place or building, and also the persons found therein, and to demand the names and addresses of such persons.

[*Madras A… III of 1888, … 42.*] (1030.)

Evidence of gaming.

532. Any instruments of gaming found in any place or building entered or searched under the provisions of section 531, or on any person found therein, shall be evidence that such place or building is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the police-officer or any of his assistants.

[*Madras A… III of 188… s. 43.*] (1031.)

Proof of playing for stakes unnecessary.

533. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager or stake.

[*Madras A… III of 188… s. 44.*] (1032.)

Penalty on person found in common gaming-house who refuses to give his name and address.

534. If any person found in a common gaming-house by a police-officer authorised under section 531 to enter therein, on being required by such police-officer or by the Cantonment Magistrate to give his name and address, refuses or neglects so to do, or gives a false name or address, he shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[*Act III … 1867, s. 7.*] (102…)

Power to confiscate and destroy instruments of gaming.

535. On conviction of any person for keeping a common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Cantonment

[*Madra… III of 18… 47.*] (10…)

Magistrate, and such Magistrate may order all or any of the other articles seized or the proceeds thereof, or all money seized, to be forfeited.

[*Madras Act III of 1888, s. 48.*] (1028.)

Indemnification of witnesses.

536. Any person who has been concerned in gaming in contravention of this chapter, and who, on being examined as a witness before the Cantonment Magistrate on the trial of any person for a breach of any of the provisions of this chapter, makes true and faithful discovery to the best of his knowledge of all things as to which he is so examined, shall thereupon receive from the Cantonment Magistrate a certificate in writing to that effect, and shall be freed from all prosecutions under this chapter or under any other law for the time being in force for anything done before that time in respect of such gaming.

[*Madras Act III of 1888, s. 50.*] (1029.)

Rewards to informers or police.

537. The Cantonment Magistrate may direct any portion, not exceeding one-half, of any fine levied under section 529 or section 530, and of the moneys or proceeds of articles ordered to be forfeited under section 535, to be paid to any informers or police-officers who have assisted in the detection of the offender.

[*Madras Act III of 1888, s. 49.*] (1021.)

Saving of games of mere skill.

538. Nothing in the foregoing sections of this chapter shall apply to any game of mere skill wherever played.

[*Madras Act III of 1888, s. 72.*]

Penalty for gaming in street or public place.

539. (*1*) Whoever is found gaming in any street or public place, or present as a spectator of such gaming, shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

(*2*) All instruments of gaming in respect of which any offence against this section has been committed shall be forfeited.

[*Madras Act III of 1888, s. 51.*] (1025.)

Penalty for sharping.

540. Whoever, by any fraud or unlawful device or malpractice in playing with any instrument of gaming, or in bearing a part in the stakes, wagers or adventures, or in betting on the sides or hands of the players, or in wagering on the event, of any game, sport, pastime or exercise, wins from any other person for himself or for any other or others any sum of money or valuable thing, shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

CHAPTER XXXIII. ([a])

NUISANCES.

[*Madras Act III of 1888, s. 75.*] (819.)

Penalty for drunkenness or riotous or indecent behaviour.

541. Whoever in any street or public place is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly or indecent behaviour, and whoever is guilty of any violent, disorderly or indecent behaviour in any police-office or police-station, shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

(a) The provisions in this chapter are those usual in municipalities.

Penalty for using threatening or abusive language, &c.

[*Madras Ac III of 1888, s 71 (xix).*] (821.)

542. Whoever in any street or public place uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner, or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

Penalty for indecent exposure of person, &c.

[*Madras Ac III of 1889, s 3 (11).*] (496, 820.)

543. Whoever in or by the side of any street or public place wilfully and indecently exposes his person, or commits a nuisance by easing himself, or having the care or custody of a child under seven years of age, omits to prevent such child from committing a nuisance as aforesaid, shall be punishable with fine which may extend to ten rupees, or with imprisonment for a term which may extend to four days.

Penalty for begging.

[*Madras Ac III of 188 s. 71 (xxi) and Claus (12).*] (829 (1), (3).

544. (*1*) Whoever in any street or public place begs or applies for alms, or exposes or exhibits any sore, wound, bodily ailment or deformity with the object of exciting charity or of extorting alms, or seeks for or obtains alms by means of any false statement or pretence or by intimidation of any kind, shall be punishable with fine which may extend to ten rupees, or with imprisonment for a term which may extend to four days.

(*2*) Nothing in this section shall apply to any person to whom alms are given by the custom of any religion, creed, sect, race or class, and who begs or applies for alms in the customary manner from those who are accustomed to give alms to him or to persons of the like description, unless such person causes annoyance to passers-by or to persons dwelling in the neighbourhood by his mode of begging or applying for alms.

Penalty for soliciting for prostitution.

[*Madras A III of 1888, 71 (xx), an Clause (23).*] (830 (1).)

545. Whoever importunes, solicits or molests any person, or loiters, for the purpose of prostitution, or on behalf of a prostitute, shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

Penalty for feloniously lurking about cantonment.

[*Madras A III of 18 s. 64.*] (828 (1).)

546. Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered or otherwise disguised with intent to commit an offence, or

(*c*) lying or loitering in any street or public place, being a reputed thief, and without being able to give a satisfactory account of himself, or

(*d*) having in his possession without lawful excuse any implement of house-breaking,

shall be punishable with imprisonment for term which may extend to eight days.

[Act XVIII of 1889, s. 107, and Clause (12).] (427.)

Penalty for dangerous quarrying, blasting, cutting of timber or building.

547. Whoever quarries blasts, cuts timber or carries on building operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood shall be punishable with fine which may extend to fifty rupees, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

[Madras Act III of 1888, s. 71 (xv), and Clause (12).] (822.)

Penalty for playing music without permission.

548. Whoever beats a drum or tom-tom, blows a horn or trumpet, or beats or sounds any brass or other instrument or utensil, or plays any music, except at such times and places as are from time to time allowed by the Cantonment Authority, shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

[Bengal Act II of 1866, s. 40 (11), and Clause (12).] (740.)

Penalty for creating noise in street or public place so as to cause a nuisance.

549. Whoever by driving, dragging or pushing any vehicle with insufficiently greased wheels, or by singing or shouting, in any street or public place creates a noise which is reasonably calculated to cause annoyance to persons frequenting or residing or working in the neighbourhood shall be punishable with fine which may extend to ten rupees, or with imprisonment for a term which may extend to four days.

[Act XVIII of 1889, s. 101, and Clause (12).] (741.)

Penalty for discharging fire-arm, &c., or propelling vehicle, so as to frighten animals or cause annoyance.

550. Whoever—

(*a*) discharges a fire-arm, air-gun, blow-pipe or bow, or lets off fire-works or sends up a fireballoon, or flies a kite, or lights a bonfire, or sets fire to or burns any straw or other matter, or

(*b*) drives, drags or pushes any vehicle,

in such a manner as to frighten animals passing by, or to cause or be likely to cause annoyance or danger to persons passing by or dwelling or working in the neighbourhood,

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[Madras Act III of 1888, s. 71 (xvi), and Clause (12).] (823.)

Penalty for bill-sticking or defacing building or other property.

551. Whoever without the consent of the owner or occupier of the premises, or except at such public places or place as may from time to time be allowed by the Cantonment Authority, affixes, or causes to be affixed, any bill, notice or other paper upon any building, wall, fence, tree, post or other thing, or writes upon or defaces or marks any building, wall, fence, tree, post or thing, shall be punishable with fine which may extend to twenty rupees, or with imprisonment for a term which may extend to four days.

[Clause (12).] (727, 728.)

Penalty for allowing certain animals to be at large.

552. Whoever, being the owner or person in charge of any dog, tiger, leopard, bear, snake or other dangerous animal which is likely to annoy or intimidate passengers or persons frequenting or residing or working in the neighbourhood, neglects to restrain it, so that it shall not be at large in any street or public place without a muzzle or other proper means of rendering it harmless, and

whoever lets loose, or permits to be at large, or neglects to restrain, any animal, so that it becomes a cause of annoyance or intimidation to passengers or persons frequenting or residing or working in the neighbourhood, or to the public,

shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing offence, with an additional fine which may extend to three rupees for every day after the first during which the offence continues;

and the Cantonment Magistrate may by notice require the owner or person in charge of the animal to efficiently restrain, or to remove or destroy, it within twenty-four hours from the service of the notice,

or he may, if no owner or person as aforesaid can be found, after the issue of a public notice signifying his intention, remove or destroy, or otherwise deal with the animal as may to him seem fit.

[Bengal Act III of 1884, s. 213.] (825.)

Power to destroy stray dogs.

553. The Cantonment Authority may by public notice appoint certain periods within which any dogs found straying which either are unmuzzled, or are without a collar bearing the owner's name may be destroyed; and any dog found straying as aforesaid during any period so appointed may be destroyed by such person and in such manner as the Cantonment Magistrate may direct.

[Bombay Act VI of 1873, ss. 63 and 74.] (454.)

Penalty for storing or using night-soil or other offensive matter.

554. Whoever, except with the written permission of the Cantonment Authority, stores or uses night-soil or any other manure or substance emitting an offensive smell shall be punishable with fine which may extend to twenty-five rupees.

[Clause (12).]

Silos and ensilage.

555. Whoever constructs a silo, or feeds an animal on ensilage, except in a place authorised by the Cantonment Authority, shall be punishable with fine which may extend to twenty rupees.

[Madras Act I of 1884, s. 348.] (701.)

Penalty for drying skin so as to cause nuisance.

556. Whoever dries, or permits to be dried, the skin of any animal so as to cause a nuisance shall be punishable with fine which may extend to ten rupees.

[Act XVII of 1889, s. 85.] (817.)

Power to prohibit commission of public nuisance.

557. Subject to the control of the Local Government, the Cantonment Authority may order any person not to do, or not to omit to do, within the cantonment anything the doing of, or the omission to do, which is a public nuisance as defined in section 268 of the Indian Penal Code.

XLV of 18

CHAPTER XXXIV. ([a])

EXPULSION FROM CANTONMENTS.

[*Clause* (23).] (828—835, 839.) Expulsion by Cantonment Magistrate.

558. (*1*) The Cantonment Magistrate may, with the previous sanction of the Commanding Officer of the cantonment, order any person referred to in Part A of Schedule III to remove from the cantonment within twenty-four hours, and prohibit him from re-entering the cantonment without the written permission of the Commanding Officer.

(*2*) On the application of the medical officer in charge of a hospital maintained under Chapter XIX for the treatment of infectious or contagious disorders, the Cantonment Magistrate may, with the previous sanction of the Commanding Officer of the cantonment, order any person referred to in Part B of Schedule III to remove from the cantonment within twenty-four hours, and prohibit him from re-entering the cantonment without the written permission of such medical officer.

[*Clause* (23).] (831, 838.) Expulsion by Commanding Officer.

559. (*1*) If the Commanding Officer of a cantonment deems it expedient to exclude from the cantonment any person referred to in Part C of Schedule III, he may direct the Cantonment Magistrate to order such person to remove from the cantonment within twenty-four hours, and to prohibit him from re-entering the cantonment without the written permission of the Commanding Officer.

(*2*) If the Commanding Officer of a cantonment deems it expedient to exclude from the cantonment any person not referred to in Schedule III, he may direct the Cantonment Magistrate to order such person to remove from the cantonment within a time to be specified in the order, and to prohibit him from re-entering the cantonment without the written permission of the Commanding Officer.

[*Clause* (23).] Order of expulsion to be recorded by Commanding Officer, and copy in certain cases to be forwarded to Officer Commanding the district.

560. (*1*) In every case in which the Commanding Officer of a cantonment sanctions or directs the removal and exclusion of a person from the cantonment, he shall record an order of expulsion.

(*2*) Whenever a Commanding Officer exercises the power conferred by section 559, sub-section (*2*), he shall forthwith forward a copy of the order of expulsion to the Officer Commanding the district who may at any time, if he thinks fit, rescind the order.

[*Clause* (23).] (841.) Record and disclosure of Commanding Officer's reasons for expulsion.

561. (*1*) The Commanding Officer shall not be bound to state his reasons for making any order of expulsion; but, whenever he does so, the reasons shall, unless the Commanding Officer otherwise directs, be mentioned in the order issued by the Cantonment Magistrate to the person concerned.

(*2*) In any case in which the Commanding Officer has not stated his reasons for making an order of expulsion, he shall not be bound to disclose those reasons except—

(*a*) to the Cantonment Magistrate, and

(*b*) on a requisition from any officer to whom the Commanding Officer is subordinate, to that officer.

(*3*) When a Commanding Officer discloses his reasons to any officer referred to in sub-section (*2*), he shall do so in official confidence, either in writing or verbally, as he may think fit.

[*Clause* (23).] (836.) Method of proving convictions had outside cantonment.

562. In order to prove that any person has been convicted beyond the cantonment of any offence specified in clause (*3*), clause (*4*), clause (*5*), clause (*6*), clause (*9*) or clause (*12*) of Schedule III, or has been ordered beyond the cantonment to execute a bond for his good behaviour, it shall be necessary to prove his identity with the person who was so convicted or ordered, and to produce an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction was had or such order was made to be a copy of the sentence or order: (*See Act X of 1882, s. 511.*)

Provided that in the case of a conviction of an offence, either a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or the warrant of commitment under which the punishment was suffered, may be produced instead of such extract as aforesaid.

[*Clause* (23).] Penalty for remaining in or returning to cantonment after expulsion.

563. If any person who has under section 558 or section 559 been ordered to remove from and prohibited from re-entering a cantonment remains in or re-enters that cantonment without such written permission as is mentioned in the section, he shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[*Clause* (23).] (843.) Penalty for harbouring person who has been expelled from cantonment.

564. Whoever harbours or conceals in a cantonment any person who has under section 558 or section 559 been ordered to remove from and prohibited from re-entering that cantonment, and who has not obtained the written permission mentioned in the section, shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days:

Provided that no wife shall be punished for harbouring her husband.

Powers of Entry, Inspection and Search.

[*Clause* (28).] (873.) Power to search for person expelled from cantonment.

565. Whenever the Cantonment Magistrate has reason to believe that any person who has been ordered to remove from and prohibited from re-entering the cantonment is in or on any building or land within the cantonment, he may, by himself or by any person authorised by him in this behalf, at all reasonable times enter into and inspect such building or land and search for such person.

([a]) The Cantonments Act, 1889, authorises the expulsion from cantonments of persons who may be generally classed as bad characters and disorderly. The subject has been dealt with in some detail in this chapter and Schedule III for administrative convenience.

PART V.

SUPPLEMENTAL PROVISIONS.

CHAPTER XXXV. (a)

COGNIZABLE OFFENCES.

[*Clause* (28).] (905.)

Offences for which police-officer may arrest without warrant.

566. The breach of any of the sections or parts of sections which are specified in the first column of Schedule IV shall be a cognizable offence.

CHAPTER XXXVI. (b)

APPEALS.

[*Clause* (30).] (896, 901.)

Appeals when allowed and to whom to lie.

567. (*1*) Any person aggrieved by an order, notice or decision described in the second column of Schedule V may appeal to the authority specified in that behalf in the third column of the same schedule:

(*2*) Provided that no appeal shall lie from a decision of a Committee of Arbitration unless a dissent from the decision has been recorded by one of the members of the Committee on the president's report in the manner provided in section 126, sub-section (*2*).

[*Clause* (30).] (902.)

Procedure in submitting appeal to Commander-in-Chief.

568. Where an appeal lies to the Commander-in-Chief, it shall be submitted to the Commanding Officer of the cantonment, to be by him forwarded to the Commander-in-Chief with any remarks which he may think fit to make thereon.

[*Act XVIII of 1889, s. 91, and Clause* (30).] (896—898.)

Time for appeal.

569. (*1*) Every appeal must be made within the period specified in that behalf in the fourth column of Schedule V:

(*2*) Provided that the appellate authority may for sufficient cause extend any such period.

(*3*) The period specified in the fourth column of Schedule V as the time allowed for making an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1877, with respect to computing the period of limitation.

[*Act XVIII of 1889, s. 91, and Clause* (30).] (899.)

Order in appeal final except in certain cases.

570. (*1*) Except as provided in section 571, the order of the appellate authority confirming, setting aside or modifying an order, notice or decision appealed against shall be final:

(*2*) Provided that no order, notice or decision shall be confirmed, set aside or modified in appeal until the appellant and the authority or person making, issuing or giving the order, notice or decision have had an opportunity of being heard.

[*Clause* (30)] (900.)

Cantonment Authority's power to apply for revision in certain cases.

571. (*1*) When an appeal from an order made or notice given by the Cantonment Authority has been decided by the District Magistrate, the Cantonment Authority, if it is dissatisfied with the decision, may within thirty days from the date of the decision apply, through the Commander-in-Chief, to the Local Government, or to such authority as the Local Government may appoint in this behalf, for a review of such decision.

(*2*) The provisions of this chapter with respect to appeals shall apply, so far as may be, to every application made and every decision given under sub-section (*1*).

[*Clause* (31).] (903, 904.)

Suspension of action pending appeal.

572. Whenever an appeal has been instituted within the period specified in that behalf in the fourth column of Schedule V from any order, notice or decision, the Cantonment Magistrate shall suspend all action on such order, notice or decision pending the decision of the appeal; and, if the order, notice or decision is set aside on appeal, no further action shall be taken thereon.

CHAPTER XXXVII. (a)

NOTICES AND OTHER DOCUMENTS.

Authentication and validation.

[*Act XVIII of 1889, s. 1*[illegible] (*1*).] (881.) XIII of 188[illegible]

Authentication of notices and other documents.

573. Every notice, order, requisition, license, written permission or other such document issued under the Cantonments Act, 1889, or under this Code, or under any rule made under this Code, shall be sufficiently authenticated by the signature of the authority or person required or authorised by the Act, Code or rule, as the case may be, to issue the same:

Provided that every document issued by a Cantonment Authority shall be signed either by the Commanding Officer of the cantonment or by the Cantonment Magistrate.

[*Bombay Act III of 1888,* [illegible] *487.*] (882.)

Validation of facsimiles of signatures on notices and other documents.

574. (*1*) Every notice, order, requisition, license, written permission or other such document required by this Code to bear the signature of any authority or person shall be deemed to be properly signed if it bears a facsimile of the signature of such authority or person stamped thereon.

(*2*) Nothing in this section shall apply to a cheque drawn upon the Cantonment Fund.

[*Act XVI*[illegible] *of 1889, s.* [illegible] (*5*).] (883.)

Validation of notices and other documents.

575. No notice, order, requisition, license, written permission or other such document issued under this Code or under any rule made thereunder shall be invalid for defect of form.

Service.

[*Act XV*[illegible] *of 1889, s.* [illegible] *and Cla*[illegible] (*29*).] (884.)

Service of notices and other documents.

576. (*1*) Unless it is in this Code in any case otherwise expressly provided, any notice, order, requisition or other such document issued under this Code or any rule made thereunder may be served by being delivered to the person to whom it is

---

(a) The offences here declared to be cognizable offences are those which are usually made so in Police and Municipal Acts.

(b) The right of appeal is granted as widely as is consistent with the effectual execution of orders, with a view to creating a feeling of protection against arbitrary acts on the part of individuals.

(a) The method adopted of enforcing executive orders issued under this Code is usually to empower certain authorities and persons to issue such orders by means of notices to do or not to do certain things, and to punish those who disobey the notices. The sections in this chapter aim, therefore, at making the authentication and service of notices complete, and at ensuring enforcement on the above lines of every order issued.

Procedure as to making and disposing of objections to notices is also laid down.

addressed, or by being left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his usual place of abode or business.

(*2*) If the usual place of abode or business of the person to whom the notice, order, requisition or document is addressed is not within the cantonment, it may be served by posting it in a registered cover addressed to his usual place of abode or business.

(*3*) If the usual place of abode or business of the owner of any property is not known, any such notice, order, requisition or document addressed to him as such owner may be served on the occupier.

(*4*) If the usual place of abode or business of the occupier of any property is not known, any such notice, order, requisition or document addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

[*Clause* (*29*). (885.)

577. The service of a notice, order, requisition or other such document on any agent of an absentee owner appointed or registered in accordance with Chapter XI shall be deemed to be service on the owner.

Service on agent of absentee owner.

[*Act XVIII of 1889, s. 132.*] (886.)

578. When any notice is under the provisions of this Code to be given to or served on the owner or occupier of any property, and he is unknown, it may, unless it is in this Code otherwise expressly provided, be given or served—

Service of notice where owner or occupier is unknown.

(*a*) by delivering a written notice to some person on the property or, if there is no person on the property, to whom the notice can be delivered, by fixing it on some conspicuous part of the property, or

(*b*) by putting into the post a prepaid registered letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given without further name or description.

Publication.

[*Act XVIII of 1889, s. 133.*] (887.)

579. (*1*) Unless it is in this Code in any case otherwise expressly provided, every public notice issued under this Code or under any rule made thereunder shall be published by proclamation or in such manner as the Local Government may direct.

Publication of public notices.

(*2*) Proclamation shall be by such method as the authority issuing the notice or the Cantonment Magistrate may deem to be the customary method; and if the proclamation, relates to land, it shall be further made by affixing a copy of the notice to some conspicuous spot in or near the land.

Enforcement.

[*Act XVIII of 1889, s. 88.*] (888.)

580. (*1*) When any notice under this Code requires any act to be done for which no time is fixed by this Code, the notice shall fix a reasonable time for doing the same.

Execution on failure to comply with notice.

(*2*) If the owner, grantee or occupier of any building or land fails to comply with the terms of any notice issued under this Code requiring him to do any act upon or in respect to that building or land, the Cantonment Authority may, after six hours' notice, cause the act to be done by the Cantonment Magistrate or by any servant of the Cantonment Authority.

581. (*1*) When the owner, grantee or occupier of any building or land is required under this Code by the Cantonment Authority to execute any work or do any thing, and makes default in complying with the requisition, and the Cantonment Authority executes the work or does the thing, the Cantonment Authority may recover the cost thereof from the person in default. *Act XVIII of 1889, s. 89.*] (889.)

Recovery of costs of execution.

(*2*) If the person in default is the owner or grantee, the Cantonment Authority may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent due, or from time to time accruing due, from him to the owner or grantee of the property in respect of which the payment is made, or may otherwise recover such sum from the owner or grantee.

(*3*) An occupier shall not be required to pay under sub-section (*2*) any greater sum than the amount of rent—

(*a*) which is for the time being due from him to the owner or grantee, or

(*b*) which, after demand for payment of the money payable by him to the Cantonment Authority and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner or grantee,

unless he refuses, on application to him by the Cantonment Authority, truly to disclose the amount of his rent and the name and address of the person to whom it is payable;

but the burden of proof that the sum so demanded by the Cantonment Authority from the occupier exceeds the rent which was due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(*4*) All money recoverable by a Cantonment Authority under this section may be recovered either by suit or, on application to the Cantonment Magistrate in his judicial capacity, by distress and sale of the moveable property of the person from whom the money is recoverable, and, if payable by the owner or grantee of immoveable property, shall, until it is paid, be a charge on the property.

(*5*) Nothing in this section shall affect any contract between an owner or grantee and an occupier.

582. If any building or part of a building be taken down, or if any building-materials be removed, by the Cantonment Authority under this Code, it may sell the materials taken down or removed and apply the proceeds of the sale in payment of the expenses incurred, and shall on demand restore to the owner any surplus arising from the sale. [*Bengal Act II of 1888, s. 234.*] (368.)

Sale of building-materials taken down or removed by Cantonment Authority.

Objections.

[Bengal Act III of 1884, ss. 176 and 177.] (892, 893.)

Power to prefer objection to requisition.

583. Any person who is required by any notice issued under this Code to execute any work or do any thing may, instead of executing the work or doing the thing required, prefer an objection in writing to the Cantonment Authority against such requisition within five days from the service or publication of the notice, or, if the time within which he is required to comply with the requisition is less than five days, then within such time.

[Bengal Act III of 1884, ss. 176 and 177.] (892, 893.)

Hearing of objections.

584. (*1*) Except as provided in sub-section (*2*), every such objection shall be heard and disposed of by the Cantonment Magistrate.

(*2*) If it is alleged in the objection that the cost of executing the work or doing the thing required will exceed three hundred rupees, the objection shall be heard and disposed of—

(*a*) where there is a Cantonment Committee, by the Committee at a meeting, or,

(*b*) where a Cantonment Committee does not exist or cannot be convened, by the Commanding Officer of the cantonment,

unless the Cantonment Magistrate certifies that such cost will not exceed three hundred rupees, in which case the objection shall be heard and disposed of by the Cantonment Magistrate:

(*3*) Provided that in any case in which the Cantonment Magistrate has certified as aforesaid, and the objection has in consequence been heard and disposed of by the Cantonment Magistrate, the person making the objection may, if the requisition made upon him is not withdrawn on the hearing of his objection, pay in the said sum of three hundred rupees to the Cantonment Authority as the cost of executing the work or doing the thing required; whereupon such person shall be relieved of all further liability and obligation in respect of executing the work or doing the thing required, and in respect of paying the expenses thereof; and

the Cantonment Authority shall cause the work to be executed or the thing required to be done, and may exercise all powers necessary therefor.

[Bengal Act III of 1884, s. 178.] (894.)

Order on objection.

585. (*1*) The Cantonment Magistrate, the Cantonment Committee or the Commanding Officer of the cantonment, as the case may be, shall, after hearing any objection and making any inquiry which he or it may deem necessary, record an order withdrawing, modifying or making absolute the requisition against which the objection was preferred; and,

if such order does not withdraw the requisition, it shall specify the time within which the requisition shall be carried out, which shall be not less than the shortest time stated in the original requisition.

(*2*) No order made as aforesaid shall operate as a bar to any appeal allowed by Chapter XXXVI from any notice.

[Bengal Act III of 1884, s. 179.] (895.)

Notice of such order.

586. Notice of any order made under section 585 shall be served, in the manner provided in this chapter, on the person making the objection, and such notice shall be deemed to be a requisition duly made under this Code to execute the work or do the thing required.

Penalties.

Penalty for disobedience to orders where not punishable under any other section.

[Act XVIII 1889, s. …]

587. (*1*) Whoever—

(*a*) disobeys any lawful direction or requisition given or made by notice under any of the powers conferred by this Code, or

(*b*) fails to comply with the conditions subject to which any permission was given to him under any of those powers,

shall, if the disobedience or failure is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues:

(*2*) Provided that, when the notice fixes a time within which a certain act is to be done, and no time is specified in this Code, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Code:

(*3*) Provided also that no person shall be punished for disobeying any notice issued under section 129 requiring him to act as agent of an absentee owner or show cause why he should not be required so to act, or for failing to comply with any requisition made by notice under section 144.

Penalty for destroying or defacing public notice.

[Madras Act I of 1884, s. 432.] (556, 654, 683, 711, 826.)

588. Whoever unlawfully removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Code shall be punishable with fine which may extend to twenty rupees.

CHAPTER XXXVIII. (a)

MISCELLANEOUS.

General power to pay compensation out of Cantonment Fund.

[Act XVIII 1889, s. …] (910, 1000.)

589. The Cantonment Authority may, with the previous sanction of the Commander-in-Chief, make compensation out of the Cantonment Fund to any person sustaining any damage by reason of the exercise of any power vested in the Cantonment Authority, the Cantonment Magistrate or the servants of the Cantonment Authority by or under this Code.

Settlement of amount where dispute arises in certain cases in which compensation is compulsory.

[Act XVIII 1889, s. …] (911.)

590. If any dispute arises touching the amount of any compensation which the Cantonment Authority is required by any provision of this Code to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land-acquisition Act, 1870, sections 3, 8 to 42 (both inclusive), 51 to 53 (both inclusive) and 56 to 59 (both inclusive), so far as they can be made applicable. X of 1870.

(a) The matters provided for by this chapter are dealt with in the manner usual in municipalities.

[*Bengal Act II of 1888, s. 420.*] (913.)

Damage to Government property to be made good.

591. If, through any act, neglect or default on account of which any person has been fined under this Code, any damage to the property of the Government has been committed by such person, he shall be liable to make good such damage as well as to pay such fine; and

the amount of such damage shall be determined by the Magistrate by whom such person has been fined; and,

in default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

[*Bengal Act III of 1884, ss. 181 and 182.*] (912.)

Power to apportion expenses payable by owners, grantees or occupiers.

592. Whenever any expenses are required by or under this Code to be paid by the owners, grantees or occupiers of any buildings or land, and there is more than one owner, grantee or occupier, the Cantonment Magistrate may, in any case in which apportionment is not expressly authorised by this Code, apportion such expenses among such of the owners, grantees or occupiers as are known in such manner as to him may seem fit.

[*Clause (31).*] 914, 953, 992.)

Rewards to informers.

593. (*1*) Whenever any person is punished with fine under any section specified in the first column of Schedule VI, the Magistrate may award any portion, not exceeding one-half of the amount realised, of the fine to the person on whose information the conviction was had.

(*2*) Nothing in this section shall be deemed to affect any other section under which the whole or any portion of a fine may be awarded to any person.

[*Bombay Act III of 1888, s. 488, and Clause (28).*] (844.)

General power of entry and inspection.

594. The Cantonment Magistrate, by himself, or by any person authorised by him in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner or grantee of any building or land, enter into or upon such building or land at all reasonable times, with or without assistants or workmen,

in order to make any inspection or survey, or execute any work, or do any act which is authorised by or is necessary for carrying out the provisions of this Code or any rule made thereunder

in any case in which such entry is not expressly authorised by this Code.

[*Act XVIII of 1889, s. 67.*] (847.)

Precautions to be observed in entering dwelling.

595. When any building used as a human dwelling is entered under this Code, due regard shall be paid to the social and religious sentiments of the occupiers; and

before any apartment in the actual occupancy of any woman who, according to custom, does not appear in public, is entered under this Code, verbal notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

[*Bengal Act II of 1888, s. 396.*] (848.)

Penalty for obstructing person employed by Cantonment Authority or Cantonment Magistrate.

596. Whoever obstructs or molests

any person employed by the Cantonment Authority or the Cantonment Magistrate (not being a person declared by section 46 of this Code to be a public servant within the meaning of section 21 of the Indian Penal Code), or XLV of 1860.

any person with whom the Cantonment Authority or the Cantonment Magistrate may have contracted under the provisions of this Code,

in the performance of any duty or the exercise of any power under or by virtue of this Code,

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

[*Clause (31).*]

Powers to be exercisable from time to time.

597. Any power conferred by this Code on a Local Government, Commander-in-Chief, Officer Commanding a district, Cantonment Authority, Sanitary Officer or Cantonment Magistrate may be exercised from time to time as occasion requires.

[*Clause (31).*] (9.) XIII of 1889.

Method of framing notifications.

598. When a notification under the Cantonments Act, 1889, or this Code has been published at length in an official Gazette or in Army Orders, it shall be sufficient in any subsequent notification to the same effect in such Gazette or Orders to refer to the number, date and subject of the previous notification.

[*Clause (31).*]

Use of forms numbered 6 to—* in Schedule I.

599. The forms numbered 6 to—* respectively in Schedule I, with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

[*Act XVIII of 1889, s. 147.*] (118—120, 423.)

Vacancies and irregularities not to invalidate proceedings.

600. No proceeding taken or thing done under this Code shall be questioned on account of any casual vacancy in a Cantonment Committee, Sub-Committee or Joint Committee, or on account of any defect or irregularity not affecting the merits of the case.

SCHEDULE I.

FORMS.

(1) BOND TO BE EXECUTED BY SURETIES. (186.)

(See section 38.)

Whereas A. B., the Cantonment Magistrate of the Cantonment, has agreed to appoint C. D. to be (*or* agreed to retain C. D. in the appointment of) on our becoming sureties for the true and faithful performance of his duties as , and for his accounting to the said A. B. and his successors in office for all moneys or securities for money whatsoever which he, the said C. D., shall receive or be entrusted with by virtue of his office as so long as he continues in such office;

* These forms will be prepared hereafter.

Be it known that we, E. F. and G. H., are held and firmly bound to the said A. B. in the sum of rupees to be paid to the said A. B. or his successors in office, for which payment to be well and truly made we each of us bind ourselves and each of our heirs, executors and administrators firmly by these presents, and to further secure which payment we hereby deposit with the said A. B. and his successors in office *(here specify the sum deposited, or, as the case may be, the nature of the security deposited, with a description thereof sufficient to identify the same)* :

The condition of the above-written obligation being such that if the said C. D. shall truly and faithfully perform his duties as , and shall from time to time and at all times account for, render and deliver in such manner and to such person as he may by the said A. B., or his successors in office, be required all moneys and securities for money whatsoever which he, the said C. D., may receive or be entrusted with by virtue of his office as ,

and shall not embezzle, withhold, destroy or anywise injure any such moneys or securities for money as aforesaid, then the above-written obligation shall be utterly void, otherwise the same shall remain in full force and virtue.

E. F.

G. H.

(178, 179(*1*).) (2) INVITATION TO TENDER.

(See section 74.)

1. Tenders are hereby invited for

2. Documents showing the conditions to be complied with by the person whose tender is accepted may be seen at *(place)* at *(time)* on *(day)*.

*3. Blank forms of tender can be obtained at *(place)** at *(price)* each.

4. Tenders must be sent to *(place)* on or before *(time)* on *(day)*.

*5. The sum of Rupees in cash must accompany each tender as earnest-money.

*6. The sum of Rupees in *(nature of security)* must be deposited on or before the *(date)* as security for the fulfilment of the contract in the event of the tender being accepted.

*7. The earnest-money will be forfeited to the Government and the provisional acceptance of a tender *ipso facto* revoked if the security hereby required is not deposited on or before the date mentioned above.

*8. The Cantonment Magistrate will refuse to receive any tender unless it be submitted in a sealed cover bearing such superscription as shall enable him to clearly understand what contract the tender is for.

9. The Cantonment Magistrate will refuse to accept any tender which is not accompanied by a declaration that the person making it does not belong to, and is not directly or indirectly connected with, the service of the Cantonment Authority or of the Government. If any such declaration is found to be untrue, any contract based on the tender will be liable to rescission by the Cantonment Magistrate, and the contractor will have no claim to compensation in respect of such rescission.

10. All tenders will be opened by *(name)* at *(place)* at *(time)* on *(day)*.

11. The authority to accept a tender vests in the Cantonment Magistrate, who will at his discretion accept the highest *(or* lowest, *as the case may be)* or any other tender, or reject any or all tenders submitted.

(*Signed*) A. B.,
Cantonment Magistrate.

* The clauses marked with asterisks should be struck out where blank forms of tender are not supplied or are issued free of charge, or where earnest-money or security is not required, as the case may be (see section 75), or where sealed superscribed covers are not required.

---

(3) NOTICE OF AUCTION. (161, 162, 186.)

(See section 74.)

1. An auction will be held by *(name)* at *(place)* at *(time)* on *(day)*.

2. The following will be put up for sale, namely:

(here specify the property for sale, or the right or privilege for which it is proposed to grant a lease or license).

3. Particulars as to the property *(or* right *or* privilege, *as the case may be)* offered for sale may be ascertained on application to *(name)* at *(place)* at *(time)* on *(day)*.

4. The authority to conclude the sale vests in the Cantonment Magistrate, who will at his discretion accept the highest *(or* lowest, *as the case may be)* or any other bid, or reject all the bids, or postpone the auction to such day, hour and place as he may think fit.

5. If any bid is made directly or indirectly by any person who belongs to, or is directly or indirectly connected with, the service of the Cantonment Authority or of the Government, any contract based on that bid will be liable to rescission by the Cantonment Magistrate, and the contractor will have no claim to compensation in respect of such rescission.

*6. Payment for property *(or* rights *or* privileges, *as the case may be)* bought at the auction must be made *(time or times)*.

*7. The sum of Rupees in *(nature of security)* must be deposited on or before the *(date)* as security for such payment.

*8. The sum of Rupees must be paid as compensation if the purchaser fails to carry out the contract.

(*Signed*) A. B.,
Cantonment Magistrate.

* The clauses marked with asterisks should be struck out where no time for payment, or no security, or no compensation money, as the case may be, is fixed (see section 77).

(Schedule I.—Form 4.—Registration of Births. Form 5.—Registration of Deaths.)

(4) REGISTRATION OF BIRTHS.

(See section 513).

189 . Births in the Cantonment.

Number.	When born.	Nationality or caste.	Name, if any.	Sex.	Name of father.	Profession of father.	Signature, description and residence of informant.	When registered.	Signature of Cantonment Magistrate.

(5) REGISTRATION OF DEATHS.

(See section 513).

189 . Deaths in the Cantonment.

Number.	When died.	Nationality or caste.	Name.	Sex.	Age.	Profession.	Cause of death.	Residence at time of death.	Residence previous to last illness.	Signature, description and residence of informant.	When registered.	Signature of Cantonment Magistrate.

SCHEDULE II.

(808.) INSTRUCTIONS FOR THE GUIDANCE OF THE PUBLIC IN CASE OF FIRE.

(*See section 416.*)

1. The first thing to do at a fire is to rescue any person in danger.

2. The next thing to do is to prevent the fire from spreading, and, if there is danger of its doing so, the buildings adjoining those on fire should be pulled down or soaked with water before those actually on fire are touched.

3. While a fire is still small, it can be easily put out by throwing earth or dust or a blanket or heavy cloth on it. It is a good thing to keep a box of earth in every room in a house liable to catch fire.

4. When a person is on fire, wrap him up in the nearest blanket, rug, carpet, curtain or heavy cloth available, and, if possible, roll him round in it.

5. When a house is on fire, if possible shut all the doors and windows before leaving it.

6. If smoke is choking or the heat is very great, when entering or leaving a burning house crawl on the hands and knees, because breathing is then easiest in this position.

7. When entering, and if possible when leaving, a burning house, draw a wet rag or piece of flannel over the mouth, and the breathing will be easy.

8. No crowd should gather close to a fire, because this prevents the firemen from working.

9. When buildings are thatched with grass or roofed with bamboo shingles, fire always catches in small patches at first; but, if there are people on the roof, these patches are easily beaten out with sticks or branches of trees, or put out with small quantities of water.

10. In saving property, watch the wind, and take the property either towards the wind or to one side of the direction in which it blows. Never take property in the direction of the wind.

11. Look out for thieves and help the police to catch them.

12. People who are helping at a fire should do exactly what the person in command tells them. Help is only obstruction if every person does as he may think best.

SCHEDULE III.

PERSONS WHO MAY BE EXPELLED FROM CANTONMENTS.

(*See sections 558 and 559.*)

PART A.—PERSONS WHO MAY BE EXPELLED BY THE CANTONMENT MAGISTRATE WITH THE PREVIOUS SANCTION OF THE COMMANDING OFFICER OF THE CANTONMENT.

1. Disorderly persons.

(828 (2), 829 (2), 830 (2).) (*1*) Any person who is convicted in the cantonment of an offence against section 544, section 545 or section 546.

(*2*) Any person, being the keeper or the agent or servant of the keeper of (*See Act X of 1856, s. ... and Act XLVIII of 1860, s. 11*) (831 (1))
a shop or place where spirituous or fermented liquor is sold by retail, or
a private sarai, or
a place of public entertainment, or
any other building or place to which the public resorts,
who is convicted in the cantonment of permitting drunkenness or other disorderly behaviour, or of suffering gaming, or of permitting prostitutes, disorderly persons or persons of notoriously bad character to meet or remain therein.

(*3*) Any person who is convicted in the cantonment, or who is proved to have been convicted beyond the cantonment, under this Code or under any other law for the time being in force,— (832 (1))

(*a*) of opening, keeping, using, or permitting to be used, a common gaming-house, or conducting, or assisting in conducting, the business of a common gaming-house, or

(*b*) of advancing or furnishing money for gaming in a common gaming-house, or

(*c*) on more than one occasion of gaming, or being present for the purpose of gaming, in a common gaming-house, or

(*d*) on more than one occasion of winning from any other person, for himself or for any other or others, any sum of money or valuable thing by any fraud or unlawful device or malpractice in playing with any instrument of gaming, or in bearing a part in the stakes, wagers or adventures, or in betting on the sides or hands of the players, or in wagering on the event, of any game, sport, pastime or exercise.

2. Persons who have been convicted of offences against Chapter XVII of the Indian Penal Code. XLV of 1860.

(*4*) Any person who is convicted in the cantonment, or who is proved to have been convicted beyond the cantonment, of any offence against any of the following sections of the Indian Penal Code, namely: (833.)

(*a*) section 381 or 382 (theft), or

(*b*) section 386, 387, 388 or 389 (extortion), or

(*c*) section 392, 393, 394, 395, 396, 397, 398, 399, 400, 401 or 402 (robbery and dacoity), or

(*d*) section 408 (criminal breach of trust), or

(*e*) section 411, 412, 413 or 414 (receiving stolen property), or

(*f*) section 429, 436 or 440 (mischief), or

(*g*) section 449, 450, 451, 454, 455, 456, 457, 458, 459, 460 or 462 (criminal trespass).

(Schedule III.—Persons who may be expelled from Cantonments.)

(833.) (*5*) Any person who is convicted on more than one occasion in the cantonment, or who is proved to have been convicted on more than one occasion beyond the cantonment, of any offence against any of the following sections of the Indian Penal Code, namely:

(*a*) section 379 or 380 (theft), or

(*b*) section 384 or 385 (extortion), or

(*c*) section 403 or 404 (criminal misappropriation of property), or

(*e*) section 406, 407 or 409 (criminal breach of trust), or

(*g*) section 417, 418, 419 or 420 (cheating), or

(*h*) section 427, 428, 430, 431, 432 or 435 (mischief).

44 & 45 Vict., c. 58. 3. *Persons who have been convicted of offences against section 156 of the Army Act.*

(834.) (*6*) Any person who is convicted in the cantonment, or who is proved to have been convicted beyond the cantonment, of any of the following offences against section 156 of the Army Act, that is to say, of—

(*a*) buying, exchanging, taking in pawn, detaining or receiving from a soldier or any person acting on his behalf, on any pretence whatsoever, or

(*b*) soliciting or enticing any soldier to sell, exchange, pawn or give away, or

(*c*) assisting or acting for a soldier in selling, exchanging, pawning or making away with, or

(*d*) being in possession of or keeping when stolen, bought, exchanged, taken in pawn, obtained or received as aforesaid,

any of the following property, namely, any arms, ammunition, equipments, instruments, regimental necessaries or clothing, any military decorations of an officer or soldier, any furniture, bedding, blankets, sheets, utensils or stores in regimental charge, or any provisions or forage issued for the use of an officer or soldier or his horse, or of any horse employed in Her Majesty's service, or

(*e*) of receiving, detaining or having in his possession the identity certificate or life certificate of a person entitled to a military pension or to reserve pay, as a pledge or security for a debt, or with a view to obtain payment from the pensioner or person entitled to the pay of a debt due either to himself or to any other person.

X of 1882. 4. *Persons who have been ordered under the Code of Criminal Procedure, 1882, to execute a bond for their good behaviour.*

(835.) (7) Any person who has been ordered in the cantonment, or who is proved to have been ordered beyond the cantonment, under the provisions of the Code of Criminal Procedure, 1882, to execute a bond for his good behaviour.

Explanation.—In addition to the cases specified in section 110 of the Code of Criminal Procedure, 1882, a person may, under the provisions of the Burma Gaming Act, 1884, be ordered to execute a bond for his good behaviour if he earns his livelihood, wholly or in part, by carrying on, or assisting in carrying on, the game of *ti* or any game or pretended game of a like nature. XVI of 1884.

PART B.—PERSONS WHO MAY BE EXPELLED BY THE CANTONMENT MAGISTRATE, WITH THE PREVIOUS SANCTION OF THE COMMANDING OFFICER OF THE CANTONMENT, ON THE APPLICATION OF THE MEDICAL OFFICER IN CHARGE OF A HOSPITAL FOR DANGEROUS DISORDERS.

(*8*) Any person in respect of whom the medical officer in charge of a hospital maintained under Chapter XIX for the treatment of infectious or contagious disorders certifies in writing to the Commanding Officer of the cantonment that he is suffering, or is supposed by such medical officer to be suffering, from an infectious disorder, and who either refuses to go to the hospital, or, having gone to the hospital, leaves it before such medical officer has pronounced him to be free from the disorder. (839.)

PART C.—CERTAIN PERSONS WHO MAY BE EXPELLED BY THE COMMANDING OFFICER OF THE CANTONMENT.

(*9*) Any person who is convicted in the cantonment, or who is proved to have been convicted beyond the cantonment, under section 136 of the Indian Penal Code, of harbouring an officer, soldier or sailor, knowing or having reason to believe that he has deserted. (831 (3).) XLV of 1860.

(*10*) Any person who is convicted in the cantonment, under section 564 of this Code, of harbouring or concealing any person who has been ordered to remove from and prohibited from re-entering the cantonment. (831 (3).)

(*11*) Any person, not being subject to military law and not being a soldier's wife, who is convicted in the cantonment of an offence against section 13 of the Cantonments Act, 1889, or who has been so convicted on more than one occasion of an offence against section 14 of that Act. (831 (4) & (5).) XIII of 1889.

(*12*) Any person who has been convicted, under section 48 of Act XIII of 1856 *(an Act for regulating the Police in the town of Bombay)* or section 33 of the Calcutta Police Act, 1866, or section 67 of the Madras City Police Act, 1888, or under any other similar enactment for the time being in force, of introducing, or attempting to introduce, into any fort, military barrack, guard-room or encampment, or on board any vessel of war belonging to Her Majesty, any spirituous or fermented liquor or intoxicating drug or preparation without the license in writing of the Commanding Officer. (831 (6).) Ben. IV of 1866. Mad. III of 1888.

SCHEDULE IV.

COGNIZABLE OFFENCES.

(*See section 566.*)

1	2	1	2
Section or part.	Subject.	Section or part.	Subject.
160	Allowing offensive matter to flow or be put upon street or public place.	428, sub-section (3).	Contravening order, &c., regarding conduct of procession or public assembly.
165, sub-section (3).	Depositing, or causing or permitting to be deposited, offensive matter or rubbish in a place not prescribed by a notice issued under section 165, sub-section (1).	429, sub-section (1).	Injuring or disturbing direction-post, lamp or lamp-post.
192, clause (c).	Doing an act within a catchment area whereby injury may arise to any source of public water-supply, or whereby the water thereof may be fouled or rendered less wholesome.	432	Rash driving or riding.
		433	Disregarding the rule of the road.
195	Bathing or washing at public well or spring so as to foul the water.	434	Driving or riding contrary to public notice.
196	Fouling source of public water-supply used for drinking purposes.	435	Causing mischief or obstruction in driving animal.
206	Obstructing or diverting water belonging to water-works.	436	Not removing elephant or camel on approach of horse or bullock cart.
209	Trespassing on water-works.	437	Driving without a sufficient light.
210	Damaging water-works.	438	Driving vehicle without proper means of control.
255	Using private slaughter-house after notice of closure.	439	Permitting child to control animal or vehicle.
271	Carrying on an offensive or dangerous trade, or selling medicines, &c., or keeping an animal for profit, without a license.	440	Leaving vehicle or animal unattended.
		441	Obstructing thoroughfare.
273	Feeding an animal on filth, or dealing with filth for that purpose, or permitting an animal to graze in prohibited place.	442	Obstructing footway.
278	Buying or taking pledge from child.	443	Making or repairing vehicle, cleaning or exposing for show, hire or sale an animal or vehicle, or training or exercising an animal, at unauthorized place or time.
299	Introducing liquor or drug into hospital.		
302	Inoculating with small-pox.	444	Carrying article projecting beyond vehicle.
303	Entering cantonment after inoculation.	457, sub-section (2).	Destroying, &c., distinguishing number on estate.
319	Obstructing vaccinator in his duties.		
334	Use of public conveyance by infected person.	473	Injuring public land or water.
335	Using public conveyance for carriage of infected corpse.	474	Making excavation without permission.
349	Making or selling food, &c., by person suffering from contagious leprosy or an infectious disorder.	477, sub-section (2).	Felling tree without permission.
368	Disposing of corpse at unauthorised place or exhuming corpse.	539	Allowing infected animal in street, &c.
375	Improperly carrying corpse along street or public place.	541	Bringing infected animal into cantonment.
376	Depositing corpse in street or public place.	542	Grazing animal without control or unauthorizedly on cantonment land.
389	Using an unauthorised building as a sarai.		
419	Letting off fireworks, sending up fire-balloon or lighting bonfire without permission.	494	Gaming in street or public place.
		501	Drunkenness or riotous or indecent behaviour.
427	Altering, obstructing or encroaching upon street or public place.	511	Using threatening or abusive language, &c.

1	2	1	2
Section or part.	Subject.	Section or part.	Subject.
543	Indecent exposure of person, &c.	551	Bill-sticking or defacing building or other property.
544	Begging.	552	Allowing animal to be at large.
546	Feloniously lurking about cantonment.	554	Storing or using night-soil or other offensive matter.
547	Dangerous quarrying, blasting, cutting of timber or building.	563	Remaining in or returning to cantonment after expulsion.
548	Playing music without permission.	564	Harbouring person who has been expelled from cantonment.
549	Creating noise in street or public place so as to cause a nuisance.	588	Destroying or defacing public notice.
550	Discharging fire-arm, &c., or propelling vehicle, so as to frighten animals or cause annoyance.		

SCHEDULE V.

APPEALS.

(See sections 567 and 569.)

1	2	3	4
Section.	Order, notice or decision.	Appellate Authority.	Time allowed for appeal.
14, sub-section (*3*).	President's refusal to permit a motion, or amendment of a motion, to be discussed at a meeting of a Cantonment Committee.	Officer Commanding the district.	Fifteen days from date of meeting.
36, clause (*a*).	Cantonment Authority's order dismissing a servant not in employment at the commencement of this Code for having a share or interest in a contract made by or on behalf of the Cantonment Authority.	Officer Commanding the district.	Fifteen days from date of order.
36, clause (*c*).	Cantonment Authority's order dismissing a servant not in employment at the commencement of this Code on the ground that he is related to another servant of the Cantonment Authority.	Officer Commanding the district.	Fifteen days from date of order.
72	Cantonment Magistrate's order rescinding a contract.	Officer Commanding the district.	Thirty days from date of order.
93	Cantonment Authority's notice requiring a grantee to let a house not already occupied by a military officer to a military officer.	Commander-in-Chief .	Thirty days from service of notice.
94	Cantonment Authority's notice requiring a departmental military officer to vacate a house in favour of a regimental officer, or requiring a regimental officer to vacate a house in favour of a departmental military officer.	Commander-in-Chief .	Thirty days from service of notice.
95, sub-section (*3*).	Cantonment Authority's notice requiring a grantee to let a house to a civil officer.	Commander-in-Chief .	Thirty days from service of notice.

(Schedule V.—Appeals.)

1	2	3	4
Section.	Order, notice or decision.	Appellate authority.	Time allowed for appeal.
120	Commanding Officer's order refusing to convene a Committee of Arbitration.	Commander-in-Chief .	Thirty days from date of order.
122	Commanding Officer's order rejecting a person nominated a member of a Committee of Arbitration on the ground of such person being interested in the matter under reference.	Commander-in-Chief .	Fifteen days from date of order.
125	Committee of Arbitration's decision ...	Commander-in-Chief .	Fifteen days from date of decision.
127, sub-section (*1*).	Cantonment Magistrate's notice requiring a grantee to make repairs in accordance with the decision of a Committee of Arbitration.	Commander-in-Chief .	Fifteen days from service of notice.
129, sub-section (*1*).	Cantonment Magistrate's notice requiring a person to act as agent of an absentee owner or show cause why he should not be required so to act.	District Magistrate .	Thirty days from service of notice.
155, sub-section (*1*).	Cantonment Authority's notice to provide a privy or urinal, or additional privies or urinals.	Officer Commanding the district.	Fifteen days from service of notice.
155, sub-section (2).	Cantonment Authority's notice to provide latrines and urinals, and to cause the same to be kept in proper order and to be daily cleansed.	Officer Commanding the district.	Fifteen days from service of notice.
158, sub-section (*1*).	Cantonment Authority's notice to remove an insanitary private latrine or urinal.	Officer Commanding the district.	Seven days from service of notice.
159	Cantonment Authority's notice to cleanse, purify, repair, alter or put in good order a private privy, latrine or urinal.	Officer Commanding the district.	Seven days from service of notice.
173, sub-section (*1*).	Cantonment Authority's order for discontinuing or destroying a drain.	Officer Commanding the district.	Fifteen days from date of order.
174	Cantonment Authority's notice to construct or lay a drain.	Officer Commanding the district.	Fifteen days from service of notice.
175	Cantonment Authority's notice requiring a group or block of buildings to be drained by a combined operation.	Officer Commanding the district.	Thirty days from service of notice.
175	Cantonment Authority's notice apportioning the expenses of a combined drainage operation.	Officer Commanding the district.	Thirty days from service of notice.
176	Cantonment Authority's notice requiring a person to permit an owner or grantee to carry a drain into, through or under land belonging to or occupied by such person.	Officer Commanding the district.	Thirty days from service of notice.
199	Cantonment Authority's notice to stop the use of a source of private water-supply for drinking purposes, or to close, enclose or fence the same.	Officer Commanding the district.	Seven days from service of notice.
227	Cantonment Authority's notice to close a private market for failure to comply with requisition.	Commander-in-Chief .	Thirty days from service of notice.
228, sub-section (*1*).	Cantonment Authoriy's notice to close a private market, or any portion thereof, which is unfit for the purposes of a market or is a nuisance.	Commander-in-Chief .	Thirty days from service of notice.

(*Schedule V.—Appeals.*)

1	2	3	4
Section.	Order, notice or decision.	Appellate authority.	Time allowed for appeal.
231	Cantonment Magistrate's order expelling a person from a market.	Officer Commanding the district.	Seven days from date of order.
247	Cantonment Authority's notice to close a private slaughter-house for failure to comply with requisition.	Commander-in-Chief .	Thirty days from service of notice.
248, sub-section (*1*).	Cantonment Authority's notice to close a private slaughter-house, or any portion thereof, which is unfit for the purposes of a slaughter-house or is a nuisance.	Commander-in-Chief .	Thirty days from service of notice.
251	Cantonment Magistrate's order expelling a person from a slaughter-house.	Officer Commanding the district.	Seven days from date of order.
268	Cantonment Authority's notice to discontinue the use of a place for carrying on an offensive or dangerous trade, or to use any such place in a specified manner.	Officer Commanding the district.	Seven days from service of notice.
312	Cantonment Magistrate's order directing compliance with a notice issued by a superintendent of vaccination.	District Magistrate .	Seven days from date of order.
383	Cantonment Magistrate's order refusing to register a sarai.	District Magistrate .	Thirty days from date of order.
386	Cantonment Authority's notice to discontinue the use of a building as a private sarai.	District Magistrate .	Thirty days from service of notice.
447	Cantonment Authority's notice to alter or demolish a building and remove materials.	District Magistrate .	Fifteen days from service of notice.
449	Cantonment Authority's notice to pull down or otherwise deal with a building erected or re-built without permission over a main, or over a public watercourse, water-pipe, drain or culvert.	District Magistrate .	Fifteen days from service of notice.
453	Cantonment Authority's notice to remove or alter a projection, encroachment or obstruction built or placed against or in front of a building.	District Magistrate .	Fifteen days from service of notice.
455	Cantonment Authority's notice to put up, alter or keep in good condition rain-troughs and pipes.	District Magistrate .	Seven days from service of notice.
460, sub-section (*1*).	Cantonment Authority's notice to remove, alter or otherwise deal with an insanitary hut or shed.	Officer Commanding the district.	Seven days from service of notice.
461	Cantonment Authority's notice prohibiting the use of a building on the ground of its being unfit for human habitation.	District Magistrate .	Seven days from service of notice.
463	Cantonment Authority's notice to cleanse or fill up a well, or to fill up a tank or marshy ground, or to drain off or remove waste or stagnant water, on private land.	Officer Commanding the district.	Thirty days from service of notice.
470	Cantonment Authority's notice to remove or repair a ruinous or dangerous building, wall or structure, or anything affixed thereto.	Commander-in-Chief .	Thirty days from service of notice.
558	Cantonment Magistrate's order expelling a person from a cantonment with the previous sanction of the Commanding Officer.	Commander-in-Chief	Thirty days from date of order.

1	2	3	4
Section.	Order, notice or decision.	Appellate authority.	Time allowed for appeal.
559	Cantonment Magistrate's order expelling a person from a cantonment by direction of the Commanding Officer.	Commander-in-Chief .	Thirty days from date of order.
591	Cantonment Magistrate's order assessing damage done to Government property.	District Magistrate .	Thirty days from date of order.
592	Cantonment Magistrate's order apportioning expenses payable by owners, grantees or occupiers.	District Magistrate .	Thirty days from date of order.

SCHEDULE VI.

Rewards to Informers.

(See section 593.)

1	2	1	2
Section or part.	Subject.	Section or part.	Subject.
172	Depositing carcass in street or public place.	328, clause (*b*).	Owner or occupier of private dwelling failing to give information, or giving false information, respecting the existence of an infectious disorder therein.
192, clause (*c*).	Doing an act within a catchment area whereby injury may arise to any source of public water-supply, or whereby the water thereof may be fouled or rendered less wholesome.	338	Neglecting to disinfect public conveyance after carrying infected person or corpse.
196	Fouling source of public water-supply used for drinking purposes.	429, sub-section (*1*).	Injuring or disturbing direction-post, lamp or lamp-post.
209	Trespassing on water-works.	457, sub-section (*2*).	Destroying, &c., distinguishing number on estate.
210	Damaging water-works.	473	Injuring public land or water.
253	Opening private slaughter-house without permission.	474	Making excavation without permission.
254	Using unauthorized slaughter-house.	540	Sharping.
255	Using private slaughter-house after notice of closure.	551	Bill-sticking, or defacing building or other property.
258, sub-section (*1*).	Slaughtering elsewhere than at a lawful slaughter-house, or selling the meat of an animal so slaughtered.	563	Remaining in or returning to cantonment after expulsion.
273	Feeding an animal on filth, or dealing with filth for that purpose, or permitting an animal to graze in prohibited place.	564	Harbouring person who has been expelled from cantonment.
278	Buying or taking pledge from child.	588	Destroying or defacing public notice.
299	Introducing liquor or drug into hospital.		

INDEX.